The American
Political Science Review

Vol. V FEBRUARY 1911 No. 1

THE LAW AND THE FACTS

PRESIDENTIAL ADDRESS, SEVENTH ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION

WOODROW WILSON

The life of society is a struggle for law. Where life is fixed in unalterable grooves, where it moves from day to day without change or thought of change, law is also, of course, stationary, permanent, graven upon the face of affairs as if upon tables of stone. But where life changes law changes, changes under the impulse and fingering of life itself. For it records life; it does not contain it; it does not originate it. It is subsequent to fact; it takes its origin and energy from the actual circumstances of social experience. Law is an effort to fix in definite practice what has been found to be convenient, expedient, adapted to the circumstances of the actual world. Law in a moving, vital society grows old, obsolete, impossible, item by item. It is not necessary to repeal it or to set it formally aside. It will die of itself,—for lack of breath,—because it is no longer sustained by the facts or by the moral or practical judgments of the community whose life it has attempted to embody.

There is, indeed, a sort of law which pushes ahead of fact, or seems to. I mean the law, so common in our day, which attempts

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to correct the habits or to guide the tendencies of society. Take our sanitary laws, for example. They do not record habit; they try to alter it. They are not a reduction to rule, merely, of practices into which society has naturally or instinctively settled. They seek to impose upon us, rather, habits and practices which we would not without their duress have adopted. They are based oftentimes upon scientific facts and principles which are not of common observation. We are very obedient to our men of science. We accept the conclusions of their laboratories without question or crititicism and embody them in our rules of life, in our laws, with great benefit to our health, but in obedience to authority, not to experience,—at any rate not to experience which is of our own development or discovery.

But even this is only an apparent exception. Law is still subsequent to the facts. Though they be not of our own discovery and we receive them on faith, they are none the less facts. Law follows them; it does not precede or predict or invent them. It is obedient to experience. It accepts the ascertained, the accomplished, the proved and established circumstance, and frames it into an imperative rule of conduct under the compulsion of what men have found to be true.

I take the science of politics to be the accurate and detailed observation of these processes by which the lessons of experience are brought into the field of consciousness, transmuted into active purposes, put under the scrutiny of discussion, sifted, and at last given determinate form in law. Nothing that forms or affects human life seems to me to be properly foreign to the student of politics.

I do not know how some students of politics get along without literature, as some of them make shift to do,—without the interpretations of poetry or of any of the other imaginative illuminations of life,—or without art, or any of the means by which men have sought to picture to themselves what their days mean or to represent to themselves the voices that are forever in their ears as they go their doubtful journey. They read history, indeed, in search of the "facts;" but if they miss the deepest facts of all, the spiritual experiences, the visions of the mind, the aspirations

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of the spirit that are the pulse of life, I do not see how they can understand the facts or know what really moves the world. Very often they do not.

Politics is of the very stuff of life. Its motives are interlaced with the whole fibre of experience, private and public. Its relations are intensely human, and generally intimately personal. It is very dangerous to reason with regard to it on principles that are fancied to be universal; for it is local. Its items are of the time and place. What happens in its field is shot through with a thousand accidental elements which you will not find again upon another occasion, because occasions are not similar. And yet there is a large movement in it all which is independent in some strange way of time and place and accidental elements. There are big facts and tendencies to be picked out. There are circumstances which link whole communities together, make them feel their common interest, reveal to them their common relations, and push them forward into the field of law. They must seek a common order, whether they will or not: they must shape institutions to suit their lives and give vent to their common purposes; they must drive a strong, steadfast peg of law in at each step of their struggle forward to hold them where they are.

This study becomes more and more complex because society changes under our very eyes. I suppose there never was a time when things were actually simple. They look so to us in very ancient times of which we have scant record, no doubt, because we know very little about them. They were complex enough, even then, it may be; but we see them only in bulk, and the mass looks simple and easy of description. But manifestly affairs have grown more and more complex as civilization has deployed upon the modern stage.

There was a time, for example, when societies, when nations, seemed to move forward in mass, all together, their internal interests, at any rate, linked and interrelated in some reasonably manifest fashion. Their law was all of one weaving. The classes of which they were made up were formed in one common mould,—were at least continuously conscious of one another and united in a single nexus of forces. In our day, on the contrary, there is

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

an extraordinary, an unprecedented differentiation. There is a perceptible movement in distinct economic and therefore distinct social sections. Society is too various to see itself as a whole, and the vision of those who study it is confused. Interests have their own separate and complicated development, and must, it has seemed, be made separately and individually the subject of legal regulation and adjustment. The relations which have come to rule in our day in the field of law seen to be the relations of interests, of vast and powerful economic sections of society, rather than of individuals. Laws intended to affect one set of interests directly and vitally are not only not meant to affect other interests directly but other interests are often ignorant of them, wholly indifferent to them. They do not touch their comprehension, do not enter into their calculations, are not permitted to affect their development.

For these sections and interests are powerfully organized, for the management, defence, and expansion of their own enterprises, personnel, and properties. Their power and their resources are concentrated, their management centered in definite and active agencies. They are equipped to take care of themselves, and are alert for every advantage.

Take the case of the United States. The development of its law in the generations with which we are most familiar has not been a development which yielded to or expressed a movement all along the line, an impulse of mass, a correlation of forces of which the whole social body was conscious. It has, on the contrary, been a rapid development of individual forces in a crowded field upon which interests did not move together but asserted themselves separately and in confused rivalry. Our national growth has been rapid not only but prodigious, alike in respect of population and of material wealth, of physical and of financial power. We were dealing with resources which we deemed inexhaustible. Hope and energy in a free field wrought marvels, as they must always do when untrammelled and with tools and materials at their hand. It has been a great spectacle of splendid force released and challenged by every circumstance to work its will. It has, too, been a regime of utter individual-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ism. The forces as well as the men have acted independently, of their own initiative, at their own choice, in their own way. And law has not drawn them together,—it does not appear that it was its object to draw them together. Our national policy has been a policy of stimulation, but of miscellaneous stimulation. Any one who clamoured for legislative aid and brought the proper persuasive influences to bear could get assistance and encouragement. It was everybody for everything upon a disordered field. There was no attempt to coördinate. Our legislation has been atomistic, miscellaneous, piecemeal, makeshift.

And so individual interests without number have been built up. They have not been harnessed to a common cause; the common cause was supposed to be individual development and the right of those who could to use the country and its resources for the release of their private energy and the piling up of their own wealth. Separate opportunities were studied, not common obligations, variety, not community, of interest. A free field and all the favour the law could show was our rule of life, our standard of policy. Interests of this, that, or the other sort grew so big that they necessarily touched and interlaced. Their contacts made them conscious of one another. Each sought the whole field and met the others in it, made rivals of them, or allies. But there was no common guiding spirit or purpose; there was no mandate of law to mould them into one another, to unite, reconcile, harmonize, direct them. The courts mediated between them, but had no means or standard by which they could accommodate their activities to the interest of communities and of men of every kind outside directors' rooms and offices and banks.

And so the field, almost the subject-matter, of our study has changed. It is still the object of political science to see how the forces move, to note how experience develops into law. But experience does not move with an even front, and law responds to it after its own variety, in sections, in special channels, in segments fitted to special interests. Our search is for the common interest, but where shall we find it? It is displayed in no common phenomena,—at any rate in none that can be easily discerned. If we would discover it, we must compound it for our-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

selves out of scattered and disparate elements. We must look away from the piecemeal law books, the miscellaneous and disconnected statutes and legal maxims, the court decisions, to the life of men, in which there is always, of necessity, an essential unity, which, whether it will or no, whether it is conscious of it or not, *must* be of a piece, *must* have a pattern which can be traced. Here are the fragments; the laws, the separate forces, the eager competing interests, the disordered *disjecta membra* of a system which is no system, which does not even suggest system, but which must somehow be built together into a whole which shall be something more than a mere sum of the parts.

This is the task, the difficult, elusive, complex, and yet imperative task of political science. It is also the task of the new statesmanship, which must be, not a mere task of compromise and makeshift accommodation, but a task of genuine and lasting adjustment, synthesis, coordination, harmony, and union of parts.

It is first of all, I take it, a task of elucidation, not to say of discovery,—of discovery through thorough elucidation. We have heard a great deal of hopeful talk in recent months about the need of a non-partisan, expert commission to get at the facts about the incidence and actual operation and effect of the protective tariff which Congress has built up into so wonderful and fearful a structure, about the cost of production and the proper basis for duties, about the condition of industry in its various branches and the precise result of this, that, or the other legislative stimulation by means of taxation. It is expected that such a commission would, by investigation of a dispassionate and disinterested sort, afford us what is optimistically spoken of as a "scientific" basis for a revision of the system,—by which, I suppose, it is meant that it would afford us light without heat, elucidation that would not be *ex parte* argument, an exposition of things that would not have the requisite tilt and surface for log-rolling. I trust that such hopes are not ill-founded; but I refer to them here only for the sake of illustration, not to give myself the opportunity to express an opinion. Such a commission would be in fact a commission to discover, amidst our present economic chaos, a common interest, so that we might legislate for the whole country

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

instead of for this, that, or the other interest, one by one. Students of political science are a self-constituted commission in the broader political field for a similar purpose.

They must discover, amidst the confusion of modern elements the common term, the common interest,—or, rather, they must discover the *missing* term. For, as I have said, the whole is not the mere sum of the parts. These scattered pieces, these separately developed elements of modern economic society, do not disclose, when put together, a whole and consistent pattern. The letters they contain do not make a complete word. The words they contain do not make a complete sentence. Express them all at their best and you still have not found a voice for the common interest, for the forces that must harmonize and round out the life of modern society.

Perhaps we can find a starting point for the new synthesis which this latest enterprize of our thinking must seek to accomplish in two definitions which I have recently ventured to suggest in another place. We are dealing, in our present discussion, with business and we are dealing with life as an organic whole, and modern politics is an accommodation of these two, Suppose we define business as the economic service of society for private profit, and suppose we define politics as the accommodation of all social forces, the forces of business of course included, to the common interest. We may thus perceive our task in all its magnitude and extraordinary significance. Business must be looked upon, not as the exploitation of society, not as its use for private ends, but as its sober service; and private profit must be regarded as legitimate only when it is in fact a reward for what is veritably serviceable,—serviceable to interests which are not single but common, as far as they go; and politics must be the discovery of this common interest, in order that the service may be tested and exacted.

In this conception society is the senior partner in all business. It must be first considered,—society as a whole, in its permanent and essential, not merely in its temporary and superficial, interests. If private profits are to be legitimatized, private fortunes made honourable, these great forces which play upon the modern

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

field must, both individually and collectively, be accommodated to a common purpose. Politics has to deal with and harmonize many other forces besides those of business merely. Business serves our material needs, but not often our spiritual. But the business forces are nowadays the most powerful (perhaps they have always been the most powerful) with which politics has to deal. They are the hardest to correlate, tame, and harness; and for the time being our anxious interest centres upon them. Let us extract from them, if we can, the new term of peace and prosperity which will be found in their genuine and successful synthesis.

The economists cannot help us, I fear. They must segregate these great phenomena of which I have spoken, I suppose, and study them in their pure and separate force, as they are; whereas segregation is just what we, as students of political science, are seeking to offset and correct. We wish to study them, not separately, nor even in combination only with one another, but in combination with the influences, the interests, the aspects of life which are not economic, but stuff of fortune, of peace of mind, of fair and generous dealing, of good will and enlightenment and public service.

There is the statesmanship of thought and there is the statesmanship of action. The student of political science must furnish the first, out of his full store of truth, discovered by patient inquiry, dispassionate exposition, fearless analysis, and frank inference. He must spread a dragnet for all the facts, and must then look upon them steadily and look upon them whole. It is only thus that he can enrich the thinking and clarify the vision of the statesman of action, who has no time for patient inquiry, who must be found in his facts before he can apply them in law and policy, who must have stuff of truth for his conscience and his resolution to rely on.

I know that the statesman and the student of political science have not hitherto often been partners. The statesman has looked askance upon the student,—at any rate in America, and has too often been justified because the student did not perceive the real scope and importance of what he was set to do and over-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

looked much of the great field from which he should have drawn his facts,—was not a student of thought and of affairs but merely a reader of books and documents. But the partnership is feasible, with a change in the point of view; and the common interest must somehow be eludicated and made clear, if the field of action is not to be as confused as the field of thought.

I do not mean that the statesman must have a body of experts at his elbow. He cannot have. There is no body of experts. There is no such thing as an expert in human relationships. I mean merely that the man who has the time, the discrimination, and the sagacity to collect and comprehend the principal facts and the man who must act upon them must draw near to one another and feel that they are engaged in a common enterprise. The student must look upon his studies more like a human being and man of action, and the man of action must approach his conclusions more like a student.

Business is no longer in any proper sense a private matter. It is not in our day usually conducted by independent individuals, each acting upon his own initiative in the natural pursuit of his own economic wants. It is pursued by great companies, great corporations, which exist only by express license of law and for the convenience of society, and which are themselves, as it were, little segments of society. Law is not accommodating itself, therefore, to the impulses and enterprises of individuals, as experience pushes it forward from change to change; but is accommodating itself, rather, to the impulses of bodies of men, to the aggregate use of money drawn from a myriad of sources as if from the common savings of society at large. The processes of change will be organic only in proportion as they are guided and framed along self-consistent lines of general policy. As experience becomes more and more aggregate law must be more and more organic, institutional, constructive. It is a study in the correlation of forces.

After all, it is not a purely intellectual process, this interpretation of experience, this translation of experience into law. I said just now that I did not see how the student of political science could make shift to know what he was about without the lamps

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of literature to light his way,—those flames, those lambent spirits of men, that burn in the pages of books that some of you are apt to put away from you as having no significance as of science and of fact in them. Nothing interprets but vision, and ours is a function of interpretation. Nothing perceives but the spirit when you are dealing with the intricate life of men, shot through with passion and tragedy and ardour and great hope. That is the reason that I said that there were no experts in human relationships. Sympathy is your real key to the riddle of life. If you can put yourself in men's places, if you can see the same facts from the points of view of many scores of men of as many different termperaments, fortunes, environments, if you have Shakespearian range and vision, then things fall into their places as you look upon them and are no longer confused, disordered scattered abroad without plan or relation. You must not classify men too symetrically; you must not gaze dispassionately upon them with scientific eye. You must yield to their passion and feel the pulse of their life when you are studying them no less than when you are acting for them. Organic processes of thought will bring you organic processes of law. Nothing else will.

Let us break with our formulas, therefore. It will not do to look at men congregated in bodies politic through the medium of the constitutions and traditions of the states they live in, as if that were the glass of interpretation. Constitutions are vehicles of life, but not sources of it. Look at all men everywhere first of all as at human beings struggling for existence, for a little comfort and ease of heart, for happiness amidst the things that bind and limit them. Such and such are the conditions of law and effort and rivalry amidst which they live, such and such are their impediments, their sympathies, their understandings with one another. See them in their habits as they live and perhaps you will discern their errors of method, their errors of motive, their confusions of purpose, and the assistance the wise legislator might afford them.

I do not like the term political science. Human relationships, whether in the family or in the state, in the counting house or in the factory, are not in any proper sense the subject-matter of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

science. They are stuff of insight and sympathy and spiritual comprehension. I prefer the term Politics, therefore, to include both the statesmanship of thinking and the statesmanship of action. Your real statesman is first of all, and chief of all, a great human being, with an eye for all the great field upon which men like himself struggle, with unflagging pathetic hope, towards better things. He is a man big enough to think in the terms of what others than himself are striving for and living for and seeking steadfastly to keep in heart till they get. He is a guide, a comrade, a mentor, a servant, a friend of mankind. May not the student of politics be the same? May not his eye, too, follow the dusty roads, scan the scattered mass, observe the crowded homes, heed the cry of the children as well as the silent play of the busy fingers that toil that they may be fed, follow the lines of strain, of power, of suffering, get a vision of all the things that tell; and then, with no precise talk of phenomena or of laws of action, interpret what he feels no less than what he sees to the man of action, too much engrossed, it may be, to see so much or over so wide a field, too much immersed to hear any but the nearby cries and clamours, too eagerly bent upon his immediate task to scan the distant view?

Know your people and you can lead them; study your people and you may know them. But study them, not as congeries of interests, but as a body of human souls, the least as significant as the greatest,—not as you would calculate forces, but as you would comprehend life. In such an atmosphere of thought and association even corporations may seem instrumentalities, not objects in themselves, and the means may presently appear whereby they may be made the servants, not the masters, of the people. The facts are precedent to all remedies; and the facts in this field are spiritually perceived. Law is subsequent to the facts, but the law and the facts stand related, not as cause and effect, but, rather, as life and its interpretation.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

DIPLOMATIC AFFAIRS AND INTERNATIONAL LAW, 1910

PAUL S. REINSCH

University of Wisconsin

The year 1910 continued the era of peace and comparative quiet in international affiairs which the world has enjoyed since the end of the Russo-Japanese War. The electoral and party struggles in Great Britain, involving fundamental constitutional issues, the revolutionary changes in Portugal, the political and social unrest in Spain, the development of the constitutional régime in Turkey, are indeed all facts which considered separately are of the highest interest and which in their joint effect will exert a profound influence also in the field of international relations. But as to these latter themselves, they were free from startling features and dramatic climaxes such as delight the journalist and the war-scare monger. This is not to say that things of the highest significance were not accomplished, that understandings of moment were not given definite form during this year; even some unexpected things came about, but, on the whole, international relations were placid and followed the quiet course of natural development. Yet to the careful observer of international affairs the situations and tendencies that have appeared to the view during this year are of the highest significance. Indeed it may almost be said that some entirely new principles in the action of world politics have been revealed through the groupings and relations of the powers as effected in 1910.

During this year the consequences of the facts accompanying the the annexation of Bosnia and Herzegovina were clearly brought out in their full effect upon international action. The demonstration that there existed in central Europe a compact partnership of powers which would be ready at a decisive moment to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

risk the danger of war, had a profound effect, not only upon Russia upon whom the incidence of this force had first fallen, but upon every other power in the world. When after the Russo-Japanese War the first beginnings of the Triple *Entente* were revealed at the Algeciras conference, Germany seemed to be taken by surprise. She had not expected that Russia would so soon forget the friendly neutrality of Germany during the war and would thus early be found obstructing German policies. The whole action of Germany throughout the Morocco affair, while it indicated a justifiable self-confidence and reliance upon her vast military resources, seemed to carry this feeling too far and, competing with other nations, to claim a position with respect to Morocco which would not willingly be accorded and which could have been extorted only through sacrifices entirely incommensurate with what was to be gained. Germany became for awhile isolated and the Triple *Entente* seemed to be in a position to control the European situation. Even then, however, it could have been foreseen that the community of interest between these three powers was not so great as to make a joint policy of hegemony possible. There might be a joint resistance to extravagant demands on the part of some one power, but a constructive policy of leadership requires a greater compactness of interests and organization. These facts which apparently had been fully grasped by some German diplomats two years ago were soon to be proven by the test of action. When the Austro-Hungarian Empire announced its intention to turn the occupation of Bosnia and Herzegowina into formally sovereign control, Russia attempted to initiate a policy of obstruction to this design by backing Servia in her objections. The opportunity had now arrived for Germany to demonstrate the essential weakness of the Triple *Entente*, which was done by informing Russia that Germany would not desert her ally, should an armed conflict occur over the question at issue. It is the consequences of this situation and action that has become fully apparent during the year 1910.

The demonstration that a positive policy could not be pursued by the Triple *Entente*, of course, bore its most immediate effects in the Near East itself. The new Turkish government, forget-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ting any debt of gratitude it might owe the French and English for early encouragements, turned quite decidedly to the Central European powers. There were, of course, many reasons why this result should have been brought about; although at the time when the new Turkish government was set up it hardly seemed that Germany, the supporter of the old régime, would exercise much influence with the new. But the brilliant diplomacy of Baron Marshall knew how to utilize the promising elements in the situation with such success that in an incredibly short time the ascendancy of Germany at the Golden Horn was completely restored. The elements in the situation favorable to such an outcome were several. Turkey has not yet come to look upon Russia as other than the enemy of past years, the plotter against Turkish ascendency, and the aspirant for dominion over Turkish lands. The temporary weakening of Russia through the Japanese War had not abated her interest in developing her influence in the Balkans. Turkey, therefore, more readily than was anticipated came to terms with Austria concerning everything relating to the annexed provinces, as the controversy itself had revealed the continued ambitions of Russia for influence in these regions. The fact that Great Britain and France were allied with Russia therefore, did not help their influence in Constantinople. These powers further, unfortunately for themselves, constituted the protectors of Crete, a relation which the Central European powers had wisely avoided being drawn into. The negotiations connected with this affair would not exactly conduce to make the protecting powers more welcome to the Turkish government. But it is also a noteworthy fact that under the new régime in Turkey Islamite feeling, far from being suppressed, has remained a strong political factor as it was under Hamid; at times it would seem that it had even grown more pervasive. All the powers of the Triple *Entente* have possessions inhabited by Mohammedans. Great Britain and Russia are attempting to tighten their grip upon Persia; France is endeavoring to extend her sway eastward from Tunis over regions of Tripoli. In striking contrast, the German Emperor stands in the light of his words at the Tomb of Saladin as the special friend of Mohammedan peoples. These were some

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of the elements that, with the tactful handling of the keen German diplomat at the Porte, resulted in a rapid loss by Great Britain and France of any temporary ascendency they might have obtained as an immediate result of the Turkish Revolution.

But if Turkey was powerfully affected by the proof of compact strength given by Germany in the Balkan crisis, this was no less true of Russia herself. Many factors coöperate in making the Triple *Entente*, as far as Russia is concerned, a matter of somewhat superficial and temporary convenience. There can be no essential sympathy and oneness of feeling between governments so different as the Tzardom of Russia, the radical republic of France, the liberal administration of Great Britain. There were indeed valid reasons in national interest for the formation of the Triple *Entente*, and this understanding has been one of the principal factors in giving us the reign of peace we are now enjoying. From the point of view of every one of the members it rested upon sound views of national policy. But it was not of a kind to command single-hearted devotion on the part of all of them, and especially of Russia. It could scarcely become more than what it started out to be, an *entente*, a friendly understanding. We have already considered its inability to act as an alliance for the constructive control of international affairs. But the Russian government had many special reasons after the Bosnian affair to look for other guiding principles than singlehearted coöperation with her other two allies. The reactionary proceedings of the Russian government with respect to Finland and Poland met with severe condemnation in both England and France, numerous members of the French parliament even joining in a special message to the Tzar on these matters. The stirrings of republicanism in Portugal and in Spain, too, would naturally have an immediate reflex effect upon the relations between France and Russia. France as an isolated republic may be so harmless as to be the chosen consort of the Russian autocracy; but as the elder sister of a Southern European republican group, she is viewed with considerable less enthusiasm from the banks of the Neva. So Russia bethought herself that an empire with many interests and relations could not govern her policy with reference to only two

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

foreign powers. She accepted the inevitable with respect to the action of Austria-Hungary and seemed to be desirous of withdrawing into herself for awhile, making peace with all her neighbors and engaging in the development of her resources and the reconstruction of her inner organization. The change in her foreign policy was indicated by the dismissal of M. Isvolsky from the foreign office, and his appointment to be ambassador at Paris.

Signs of a continually better understanding with Germany were not wanting. The Emperor and Tzar had an unusually friendly meeting, diplomatic relations were restored with Austria-Hungary, and many courtesies passed between these three powers together with acts of mutual accommodation in minor matters. Finally in December, 1910, it was announced that an agreement had been arrived at between Germany and Russia with respect to Persia. Germany agreed to respect the interest acquired by Russia in northern Persia, while the latter power promised its good will and support with respect to the German enterprise connected with the Bagdad railway. The British public seemed to be surprised at this action and to look upon it as amounting to a desertion of the Triple *Entente* on the part of Russia. Yet it by no means need involve a decision of that power to interrupt its close and friendly relations with England and France. It is in this case simply adjusting matters with one of its neighbors. If events had shown that Great Britain and France could not effectively support Russia in a forward movement in the Balkans, why should Russia use her strength in the Middle East entirely to assist the plans of Great Britain in that section?

The most significant results of this new manner of viewing international relations, however, were embodied in the treaty concluded between Japan and Russia on July 4, 1910. This move some publicists explain as due to the mutual force of attraction exercised by the Triple *Entente* and the Anglo-Japanese alliance through the medium of Great Britain. But it seems far from sound to attribute the conciliation of Russia with her enemy to the *Entente*, the weakness of which had just been conspicuously demonstrated. The conclusion of this treaty must be attributed

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to other causes, it would seem, in fact, to the same causes which brought about closer the relations between Russia and Germany. Russia for the time being wants no forward policy in any direction, with the possible exception of northern Persia where there is no serious impediment. Her desire to recuperate and re-organize her forces of national life and imperial power lead her to make arrangements with neighbors along lines of converging or parallel interests. Had she desired immediately to recover her losses in Manchuria, her plans for the uniform and complete development of her resources would have had to be sacrificed to this one aim, which would therefore have involved the necessity of foregoing all influence in other regions bordering on her frontiers. Moreover, under present circumstances the reconquest of southern Manchuria would have been a futile policy. On the other hand, her interests and those of Japan in Manchuria are parallel, they rest upon the same titles and are threatened by the same dangers. By joining hands with Japan, Russia could therefore most effectually protect what has remained to her, against loss and embarrassment. Both Russia and Japan are acting in derogation of Chinese sovereignty; with the growing strength and efficiency of the Chinese empire, the position of either of these occupants might soon be more or less in danger. But united, they will be for a long time able to hold the advantages which they have acquired and even to expand them.

The treaty of July 4th is the natural result of the arrangements made by the treaty of Portsmouth. The idea that Russia and Japan were driven into this alliance as a result of the American policy in China is just as superficial as it would be to attribute this development to the existence of the Triple *Entente*. It is a natural consequence of the new attitude which Russia has assumed as a result of the experience gained in the diplomatic conflict with Austria-Hungary. The suggestion of Mr. Knox that the Manchurian railways should be neutralized, and the efforts put forward to construct a Chinese railway through western Manchuria to the Amur River, indeed served to crystallize the feeling of a common interest between Japan and Russia. But this part of the general policy inaugurated by the American

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

government of having all foreign enterprise in China conducted upon an international basis and thus protecting the Chinese Empire against dismemberment, need not be blamed as the primary cause of the Russo-Japanese Treaty; nor would it be at all clear-sighted to interpret that understanding as an alliance in any way directed against the United States. While opinions may differ as to the advantage of having made this specific proposal of Manchurian neutralization, the general policy of which it forms a part, is a wise and natural one for the United States to adopt; just as natural also is the fact that Japan and Russia were drawn together for the purpose of protecting their parallel interests in Manchuria. If China is to be saved the complete loss of her Manchurian dominion, it will come about through the maintenance of international interests in that dependency, which, compatible with the special interest acquired by Russia and Japan, will, nevertheless, keep alive the exercise of Chinese sovereignty until eventually China may be strong enough to exercise her power more effectively so as to prevent further encroachments and perhaps even to secure a retrocession of some of the things she has at present lost.

One result of the proposal of the American Secretary of State was that Russia and Japan were forced to show their hand and to come out into the open with respect to their Manchurian policy. Up to this time both of these powers had vowed that they desired both to maintain Chinese sovereignty and to favor the policy of the open door. But at the first attempt to make it possible for China it develop parts of Manchuria on her own account, the two occupying powers united in defence of their acquired possession; they virtually divided this dependency between themselves and declared that their interest is so paramount as to exclude even enterprises desired by the sovereign country itself. Shortly after the publication of the Russo-Japanese agreement, the Chinese government issued a statement calling attention to the provisions of the Portsmouth Treaty as well as of the treaties concluded by herself with Russia and Japan, by which the sovereign rights of China are acknowledged.

By publicists gifted with a constructive imagination a complete

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

alignment of the great powers is deduced from recent events. The understanding between Russia, France, and Great Britain, has been expanded into a quadruple *entente* by the inclusion of Japan. By a similar force of gravitation, the United States which has been espousing the interests of China is drawn to the side of the Triple Alliance. Thus the world is neatly divided up into two sections and the vast armageddon may begin at any given signal. But the facts do not bear out such hard and fast constructions, they indicate a far different situation.

The most significant tendency revealed in international life during the past year is that which favors the alignment of states in friendly but not mutually exclusive groups. For a time it seemed that we should have an era of definite alliances, confronting each other with thinly veiled hostility. Then the essential weakness of the Triple *Entente* was demonstrated—a weakness not in joint resistance but in joint advance movements. As the era in which states could exist in complete isolation has past, so has that of hard and fast alliances. Through the technical advances which the last hundred years have seen, nations have been bound together by innumerable and complex relationships. If a close and friendly understanding is arrived at with one country this does not exclude the existence of numerous interests held in common with others. A government heeding the behests of national life in all its directions will, therefore, feel impelled to coöperate now with this neighbor and now with that, and at times with all of them. An alliance which would confine positive action to the interests of a narrow group of powers would be in conflict with that freedom which national life at present demands. However, an understanding to preserve the peace, to resist encroachments, to oppose individual ambitions, is possible and may be highly effective. In this sense the Triple *Entente* has not lost its meaning. But when it attempted to act in a positive manner in proposing a definite policy of advance for all the powers included in it, its operation immediately ceased to be effective.

The machinery of modern civilization is most intricate. Its operations within the area of any state depend on innumerable factors which are not confined to that area but influence it from

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

a distance. Isolation as well as connection in exclusive alliances would cut all these natural relations; the web of world-wide activity and interests would be broken, participation in which means prosperity to any individual country. The result of a clear recognition of these facts is very favorable to the maintenance of peace. By a complex series of agreememts nations come to mutual understandings on a great many matters that would formerly have have caused dangerous irritation. From this point of view the international events of the year 1910 are most informing. The chain of consequences set in motion by the firm attitude of the greatest military power of the world has served to demonstrate how strong are the influences for peace and how much a nation may gain by being guided in its international arrangements by a desire to establish connections with all who are pursuing similar interests. But it would, of course, be premature to expect the entire abolition of war, the disappearance of all danger of armed conflict, from the facts thus revealed to us. The readiness with which wide international interests now crystallize is, of course, most reassuring. And yet it is possible that the focalization may at times be so determined that two groups of states apparently equally powerful will be confronted upon an issue so fundamental that neither side will yield. But while such a constellation of events is possible, there is nothing in the immediate future of the world that would threaten so great a danger, while the warlike impulses of individual nations are powerfully restrained by the recognition of those many bonds of international interests, the operation of which has been so clearly demonstrated during the past year.

WESTERN EUROPE

International relations thorughout Western Europe were marked with an exceptionally friendly tone during this year The feeling of intense competition which exists between Great Britain and Germany was moderated by many attempts to arrive at a better mutual understanding. Declarations in the parliaments, such as those made by the German Chancellor, March 7 and again December 10, emphasized the existence of a friendly feeling be-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tween the governments. Sir Ernest Cassel devoted the sum of $1,000,000 to the creation of an institution to mediate between English and German public opinion. The Archbishop of Canterbury presided at the session of a committee of churchmen to bring about friendly feeling between the two countries. Unofficial or semi-official action of this kind shows how the constant fostering of suspicion and hatred which has been going on in sections of the press of both countries, is beginning to wear upon the public. Meanwhile, however, the competition in naval armaments continues for the time being. By January 1911, the following advance had been made in the creation of a navy of dreadnaught vessels; Great Britain had completed 12 such ships, had launched 16, and had laid down 22; Germany had completed 5, launched 11, and laid down 13. When all these ships are completed, within two or three years, Great Britain will, therefore, have 50, Germany 29, vessels of the most advanced class. The cost of new armaments for the decade from 1901-1910 was £111,000,000 for Great Britain, £63,000,000 for Germany. As will be seen from all these figures the British navy at present and prospectively is very nearly doubly as strong as that of Germany. No material change in this relation is immediately to be expected although the size of the German navy is, of course, relatively gaining. The terrible crisis which was promised for the year 1913 when the German navy was to be practically equal to the British in efficiency is therefore not in actual prospect. Both countries are developing their naval armament with great energy, but talk of an inevitable deadly combat between them is heard less frequently now than it was a year ago. Nevertheless, the rivalry between Great Britain and Germany still remains one of the most cardinal facts in the international situation.

The relations between France and Germany have also continued to improve. There have been many mutual visits of learned bodies and associations of various kinds. On March 25, a treaty was concluded between these two countries, which provides for the mutual protection and use of the national sub-marine cables. The Franco-German arrangements with respect to Morocco have been adhered to in good faith which has increased mutual confi-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

dence between these countries. In Morocco the French, as trustees of the European powers, have labored to perfect the policing of the internal regions. Arrangements have been made for the establishment of a mining code under which the mining operations of foreigners in Morocco are to be regulated. A commission has been established in Tangier to adjudicate upon claims of foreigners against Morocco.

The revolution in Portugal and the establishment of a republican form of government did not lead to any international complications, with the exception that diplomatic relations between Portugal and the Vatican were completely broken and the papal nunciature at Lisbon was discontinued. The only nunciatures of the first rank now remaining are those at Madrid and at Vienna. The republican government of Portugal was recognized first by Switzerland, and thereupon by other European and American powers, in most cases only for purposes of ordinary official intercourse, pending a more formal recognition when the systems of republican authorities shall have been organized on a permanent basis.

The relations between Spain and the Vatican also became exceedingly strained during 1910. Sr. Canalejas, the Prime Minister and a representative statesman of the Liberal party, undertook to revise the laws of Spain relating to the religious establishments. His government revived an older decree which requires the public registry of all religious associations so as to bring them to some extent under the control of the state. A decree was also issued allowing non-Catholic churches to use signs and inscriptions that indicate their character as places of worship. On the part of the Vatican it was claimed that there should be no legislation while diplomatic negotiations were going on concerning these very matters. Finally the Spanish government also passed a measure, commonly called the "Padlock Law," which prohibits the establishment of new religious societies in Spain during the course of negotiations. This also is by the Vatican considered in the light of a unilateral modification of treaty arrangements between it and the Spanish government. As a result of this friction the papal nuncio was withdrawn from Madrid, although he remained within Spanish territory.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE NEAR EAST

The Cretan situation continued throughout the year without a satisfactory adjustment being possible. On May 9, the Cretan legislative chamber convened and opened its sessions in the name of the King of Greece. One hundred and twenty-four of the deputies belonged to the orthodox or Greek party; they all took the oath of allegiance to the Greek crown, thus confirming the annexation of Crete which had been voted two years previously. The small minority of Mohammedan members were excluded upon their refusal to swear allegiance. When the Greek parliamentary elections came on, a number of Cretan deputies were elected to take part in the Athenean parliament. This situation obliged the protecting powers to take a stand for or against annexation to Greece. The Greek government too was put in a very difficult position because the refusal to admit Cretan deputies would have aroused the entire Greek nation to a revolutionary movement. On the other hand, the annexation of Crete would undoubtedly have led to a declaration of war by Turkey. On July 8, the protecting powers informed the Cretan authorities that military occupation of the island would be resumed if the Mohammedan members were not admitted to the legislative chamber. They were, in consequence of this, granted formal admission but the legislature adjourned immediately thereafter so as not to have to act jointly with them. While the Cretan deputies were admitted to the Greek parliament, and one of them, Venezelos, even became prime minister, an arrangement was made concerning their relation to Crete which satisfied the Turkish government.

As the financial situation of the Turkish government had not improved, an attempt was made again in the summer of 1910 to raise a foreign loan. The new government, however, desired to depart from the traditional practice which had thus far been insisted upon by creditors that special security should be given in the form of the receipts from certain taxes. Djavid Pasha, the Minister of Finance, first attempted to raise this money in France, the great source of public loans. The French government, however, was not predisposed to go out of its way to assist Turkey at this time, when that country seemed to be drawn more and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

more towards the Central European powers. The French, therefore, demanded not only special security but also a more direct part in the control of Turkish finance. As these conditions were not acceptable, the Turkish minister next tried to secure a loan in London, but though some bankers who had helped on a former occasion were inclined to assist, the general attitude was no more favorable than it had been in France and the loan was not effected. Addressing himself to German financiers, the Turkish minister again found difficulty because of the manner in which German resources are already being tied up in Turkish development; nevertheless arrangements for the loan were promised by German and Austrian capitalists. The connection between diplomacy and finance has never been so strikingly illustrated before as in the case of these financial negotiations.

The Turkish government desires to secure the abolition of the restrictions imposed upon it under the capitulations. It has already obtained the pledge of Austria-Hungary and even of Russia to this policy, but here again Great Britain and France have assumed a negative attitude and are resisting an immediate modification of treaty arrangements in order to make sure of the proper protection of their national interests in the Levantine lands. A visit of Hakki Pasha at Marienbad, where he had an interview with Baron Aehrenthal and Herr Kiderlen-Wächter, led to rumors that an agreement had been made and that Turkey had bound herself to act conjointly with the Triple Alliance. The formation of such an agreement has not been confirmed. That for the time being there is an extensive co-incidence of interests between these powers has already been pointed out. It was also reported that a military agreement had been formed between Turkey and Roumania for joint action in certain eventualities. While, in general, Roumania has found herself for reasons of national interest and protection drawn to the side of Turkey and the central powers as against Russia, the existence of a definite treaty has not been authoritively admitted.[1] The relations

[1] In December, the Turkish legation at Sofia was entered at night and a series of papers relating to Roumania were stolen. It is believed that the theft was of a political nature, and intended to secure evidence of a Roumanian secret treaty.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

between Servia and Austria-Hungary were very friendly during this year. The difficulties concerning Bosnia having been settled it seems that Servian suspicions of Russia have revived and that she prefers to cast her lot with Austria and Turkey for the time being. The Prince of Montenegro has assumed the royal title. As his principality has always had close relations with Russia, this move was not looked upon with special favor by the Servian government, especially as it seemed to foreshadow a plan for the eventual absorption of Servia by the smaller country to the south. In connection with the assumption of the royal dignity, Nicholas of Montenegro formally denounced the article of the treaty of Berlin, which prohibits warships entering the Port of Antivari. As the sanctity of this convention had been considerably impaired by the action of Austria, no objection seems to have been made to this further paring down of its provisions, although it gives Russia a friendly port in the Adriatic Sea.

The situation in Persia has not been materially modified. Russia has tightened her grip upon northern Persia and has recently attempted to negotiate a loan which would put Persian financial administration more fully under her control. The internal conditions of this unhappy country have not improved. The government seems to be unable to enforce its authority in all parts of the kingdom and to resist the encroachment of foreign powers. Turkish inroads on the western frontier have also continued unabated. In November, Great Britain made the demand upon the government that the commercial routes of southern Persia should be effectually policed so as to make life and property secure; in default of which, at the expiration of three months, Great Britain will herself undertake such policing, defraying the expenses by a set charge of ten per cent upon the customs of the Persian Gulf. In its reply the Persian government urges that it would itself be able to maintain order, if it were allowed to increase its income by raising the import duty 10 per cent and by taking up a loan to which ruinous political conditions were not attached. Great interest was aroused by a report, current early in January, 1911, that the United States had been requested by the Persian government to furnish financial advisers.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE FAR EAST

The most significant development in the Far East, as already pointed out, is the treaty between Japan and Russia of July4,1910. The treaty contains the following Provisions:

The contracting parties begin by declaring that their object is the consolidation of peace in the Far East.

(1) To this end they promise to assist each other in the development of their respective railway systems, and to abstain from all prejudicial competition.

(2) "Each of the high contracting parties undertakes to maintain and respect the *status quo* in Manchuria, resulting from all the treaties, conventions, and other arrangements concluded up to this date, either between Russia and Japan, or between these two powers and China."

(3) "In the event of anything arising of a nature to threaten the *status quo* mentioned above, the two high contracting parties shall enter each time into communication with each other with a view of coming to an understanding as to the measures they may think it necessary to take for the maintenance of the said *status quo*."

It is apparent that the two powers have no intention of quitting Manchuria or of giving up the interests which in one way or another they have acquired in that Chinese dependency. The Chinese government and people themselves have been very restive in view of this evident consolidation of Russo-Japanese influence in Manchuria. The attempt to hold open and develop that province through the construction of a railway from Chin-Chow on the Yellow Sea to Aigun on the Amur River, in which project China had the support of the American government and financiers, has not as yet been possible of realization on account of the decided opposition of Russia. The Russians consider the scheme as hurtful to their interests because it would bring Chinese settlers into northern Manchuria and would give China a direct hold upon that part of the provinces.

The convention for the Hankow railway loan was finally concluded in May, 1910. According to its provisions, a loan of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

$30,000,000 is to be raised by the coöperation of the United States, Great Britain, Germany and France. This convention establishes a new principle in the policy of Chinese development. Hitherto the use of foreign capital so necessary to China has been resisted by public opinion in that country, on account of the fear that the danger of foreign spheres of influence might again be incurred. But, the practice of making a loan international, not only has the advantage of giving each nation desirous of participating in the development of China a chance to do so, but also of protecting China against the localization of foreign influence in connection with provincial financial administration. Under this arrangement China need no longer fear to make use of the advantages offered by foreign capital. Joint fiscal operations in which all the powers are equally interested contain no danger to China's autonomy, but, on the contrary, will enable China the sooner to strengthen her economic organization.

The annexation of Korea to Japan was effected on August 22, 1910. While it was expected that the protectorate over the Korean empire would give way to a complete absorption of that country on the part of Japan, yet the treaty of annexation came somewhat as a surprise. The treaty itself, the last made in the name of the Korean emperor, makes a complete and permanent cession of sovereignty to the emperor of Japan. Appropriate ranks and titles are provided for the Korean royal family. Peerages and pecuniary bounties are to be conferred on certain Koreans on account of meritorious services. The promise is made that Koreans who accept the new régime loyally and in good faith and are duly qualified shall be employed in the public service in Korea. The name of the former empire is officially changed to Chosen. In a declaration of the imperial government of August 29, certain arrangements are made which are of a special interest to the foreign powers. Through the annexation existing Korean treaties are, of course, abrogated. The foreigners residing in Korea will therefore no longer enjoy immunity from the local jurisdiction of Japan, although matters actually pending will be allowed to be carried to their final decision in the consular tribunals. For a period of ten years, however, Japan will allow the present rates

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of customs duties to continue as well as the charges on shipping, such as tonnage dues. It is also provided that imports from Japan and Japanese vessels entering the open ports of Korea shall be subject to the same duties as are paid by foreigners. The freedom of carrying on the coasting trade between open ports in Korea and between these and open ports in Japan is also accorded to foreign ships whose sovereigns have treaties with Japan. These arrangements are fully in accord with the "open door" policy. The consolidation of Japanese dominion has been accepted by the powers without objection. Russia, had she been stronger, might have interposed difficulties, but she had just made her treaty with Japan concerning Manchuria and had undoubtedly in advance given her consent to the establishment of the new situation.

As the commercial treaties of Japan with nearly all powers will expire during the year 1911, preparatory work is being done towards creating new tariff arrangements. As a basis for the negotiations a new customs tariff has been accepted by the parliament. The basic principles of this new legislation consist in the levying of low duties upon raw materials needed by the Japanese industries; high protection for those simpler products of industry which Japan is ready to furnish; and, again, lower duties upon complicated machinery which can as yet not be produced in Japan but is necessary for the development of industrial life. During the year 1910, negotiations were carried on with the various powers for the purpose of initiating new commercial agreements. The Japanese government decided to carry on this preliminary work, not with the diplomatic representatives at Tokyo but through her own ministers in foreign capitals. In this way she is certain to avoid concerted action that might be taken by the diplomatic corps at Tokyo; by carrying the matter into the foreign countries she herself retains the key to the diplomatic situation. It is the purpose of Japan to create a customs tariff that will be based entirely upon the needs of her own national life and will in no sense be dictated by the demands of foreign interests. France and the United States are the only important countries whose imports from Japan exceeds their exports to that

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

country; all other industrial nations, but especially Great Britain, have more to lose through an unfavorable tariff arrangement on the part of Japan.

FOREIGN RELATIONS OF THE UNITED STATES

A number of important agreements were made with Great Britain during the past year. The convention concluded January 11, 1909, relating to boundary waters between the United States and Canada, was finally ratified in May 1910. It provides for the free navigation of boundary streams and lakes, fixes the amount of water that may be diverted for purposes of power production, and establishes a joint high commission with powers to adjust questions which may in the future arise concerning the use of boundary waters. A treaty was concluded on May 21, 1910, fixing the international boundary line between the United States and Canada in and near Passamaquoddy Bay. A preliminary diplomatic agreement has also been made, providing for the arbitration of pecuniary claims now existing in favor of one of these governments against the other. The International Fisheries Commission appointed under the treaty of 1908, has formulated and recommended uniform regulations covering the fisheries in the boundary waters of Canada and the United States. These regulations, before becoming effective on our part, must be given legal sanction through act of congress. Throughout the year negotiations have been going on for the formation of a commercial treaty between Canada and the United States, on the basis of reciprocity, and steps were also taken towards the creation of an international railway commission to deal with problems of control, adjustment, and joint service, arising in connection with the international railways.

The dispute concerning the North Atlantic fisheries was finally decided on September 7, by the Hague Tribunal. The decision held that reasonable regulations may be made by the governments of Newfoundland and Canada with respect to coast fisheries. Should the United States dispute the reasonableness, the matter is to be submitted to an international commission. American

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

fishing vessels are free from the requirement of customs entry and from the payment of dues; they are at liberty to engage fishermen of British nationality; and with respect to commercial rights, such as buying food and bait, they shall enjoy in the bays, harbors, and creeks of Newfoundland the same treatment as is accorded them by convention in Labrador.

Diplomatic negotiations were taken up with Germany in connection with the new potash syndicate law, which in its operations affected adversely American companies interested in the potash production of Germany.

Early in the year an American vessel was sent to Liberia in order to assist the authorities of that country in restoring order in certain disaffected regions. A commission was then appointed by the American government for the purpose of investigating conditions in Liberia and of giving the government of that country aid in improving the economic and financial situation.

A special ambassador was sent to Constantinople in return for a similar ceremonious visit to this country, and with orders to express to the Ottoman government the desire of the United States to contribute to the larger economic and commercial development initiated by the new régime in Turkey. American citizens are beginning to interest themselves extensively in economic enterprises in Turkish dominions. Thus, the Ottoman-American Development Company has obtained concessions from the Turkish government for the building of railways and the operation of mines. It is the purpose of this company to open up Kurdistan by building a railway from the Mediterranean to Sivas. Valuable mining rights in copper-bearing regions have also been obtained by it. The concessions provide that half of the capital of the exploitation company is to be reserved for Turkish subscribers, and also that the employes of the company, with the exception of the managers, are to be of Turkish nationality. The entry of American capital and enterprise upon this field was not altogether welcome to the German interests in the Near East.

The position taken by the United States in Chinese affairs has already been alluded to. In addition to favoring the development of railway communication in China, the American govern-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ment also gave assistance to negotiations between China and a group of American capitalists for a loan of $50,000,000, to be employed chiefly in currency reform. In the treaty which the United States made with China in 1903, it was pledged that a uniform national coinage should be introduced. In the following years commissioners of both countries consulted with each other concerning the best methods of effecting this important reform. The negotiations for the present loan are an outcome of these various steps.

Congress, in June, passed a law providing for the appointment of a commission of five members to be appointed by the President of the United States, "to consider the expediency of utilizing existing international agencies for the purpose of limiting the armaments of the nations of the world by international agreement, and of constituting the combined navies of the world an international force for the preservation of universal peace, and to consider any other means to diminish the expenditures of government for military purposes and to lessen the probabilities of war." Appointments under this law were not made during the year because the President desired first to obtain the views of other governments upon this matter and to ascertain their willingness to coöperate in making this work effective. Negotiations were also continued in pursuance of the suggestion made by the American government that the International Prize Court when established should be endowed with the functions of an arbitral court of justice. A number of favorable replies were received in the course of the year.

In addition to the North Atlantic fisheries case, the United States was a party to another arbitration before the Hague tribunal, in connection with the claim of the Orinoco Steamship Company against Venezuela. A protocol has been adopted by the United States and Mexico, submitting to the Mexican Boundary Commission, to which for this purpose some prominent citizen of Canada is to be added, the question of sovereignty over the Chamizal tract which is now a part of the City of El Paso, Texas, and lies north of the Rio Grande, although formerly it lay to the south, that river having changed its course.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

LATIN AMERICA

The Fourth Pan American Conference was held at Buenos Aires during July and August. All American republics with the exception of Bolivia were represented. The Conference took a prominent part in the commemoration of the year of independence by several of the Latin American republics. In its diplomatic work it devoted itself to the formulation of a number of conventions and resolutions dealing with economic and administrative matters. Three conventions were signed, providing for the international protection of trademarks, patents, and copyrights. The conventions of the universal unions on these matters were followed as models. Formalities for international copyright were reduced to a minimum, and two bureaus for the registration of trademarks were established, one at Havana, the other at Rio de Janeiro. The Conference also renewed the convention concerning the arbitration of pecuniary claims which was originally adopted at Mexico and had been extended at Rio. Thirteen powers had become signatories to this treaty. A draft convention was framed concerning the organization of the union of American republics and especially the work of its organ, the Pan-American Union, at Washington. A series of resolutions were adopted dealing with such important and practical matters as the work and organization of the Pan-American Union, the Pan-American railway, international communication by steamships, sanitary police, the interchange of professors and students between American univeristies, consular documents, customs regulations, and commercial statistics.

Conditions in some of the Central American republics were still confused and unsettled during the year 1910. In Nicaragua the revolutionary movement against the government of Sr. Madriz was ultimately successful and a new administration under the temporary headship of Sr. Estrada was set up. Diplomatic relations were reëstablished with the United States, and the American government was asked to assist the authorities of Nicaragua in adjusting the financial conditions of that country. Negotiations were carried on throughout the year for the purpose

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of refunding the debt of Honduras. A group of American bankers had expressed their willingness to advance funds for this purpose as well as for the construction of railways in the republic. Arrangements were not, however, entirely completed, and towards the end of the year revolutionary movements disturbed again the peace of Honduras. In an address made at Philadelphia in June, Secretary Knox expressed the view it that would be desirable that railways built in Central America should be neutralized so as to be used exclusively as instruments for the peaceful development of these countries.

The Second Central American Conference held its session at San Salvador in 1910. Conventions for the following purposes were adopted: the unification of the consular service of the five republics; monetary uniformity on a gold basis; commercial reciprocity among the member states; the adoption of the metric system of weights and measures; the relations of the Central American bureau to the governments; and the establishment of the pedagogic institute provided for in the Washington treaty. These conventions are adopted *ad referendum*, subject to ratification by the respective governments.

Towards the end of the year diplomatic relations were established between Colombia and Panama, and a special commissioner of the latter republic took up his residence in Bogota. The year was a rather uneventful one for Colombia and Venezuela. Some ill feeling was manifested in parts of Colombia against North American residents by reason of popular dissatisfaction with the conditions of certain concessions that had been granted.

The relations between Peru and Ecuador were strained throughout the course of the year. The boundary dispute between these two countries had originally been submitted to the King of Spain for arbitration. Before the award was made it became known what the leanings of the King were and as Ecuador did not consider his attitude favorable, it withdrew from the arbitration, leaving the controversy undecided. For a while hostilities were threatened, but, invoking the provisions of the Hague Peace Conference concerning the mediation by friendly powers, the United States, Brazil, and Argentina joined in an effort to mediate

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

between the two contestants, being also aided therein by Chile. In this manner war was avoided, although friction threatening the renewal of hostilities continued until the end of the year, when finally both Peru and Ecuador indicated their willingness to submit the dispute to the Hague Tribunal. This situation gives proof of the value of the friendly understanding between all American powers as well as of the provisions made by the Hague convention, for joint efforts to mediate in cases of conflict.

The relations between Peru and Chile did not materially improve during the year. There again arose a specific controversy with respect to the conquered province of Tacna. This province has remained ecclesiastically a part of the Peruvian bishopric of Arequipa. Chile had for some time complained of the political activities of the priests in Tacna; and it finally made a definite demand that the Peruvian priests should be withdrawn and Chileans appointed in their place. As this demand was not complied with, certain Peruvian ecclesiastics suspected of political propaganda were expelled from Tacna. In consequence, diplomatic relations between the two countries were again endangered and the Peruvian minister was recalled from Santiago.

Bolivia and Brazil concluded a commercial treaty on August 12, 1910. Aside from the clauses ordinarily contained in such treaties, this convention provides for mutual freedom of transit upon the rivers of the two countries; and it also makes arrangements for several customs stations to be located by each of the powers at certain points within the territory of the other. During this year, Bolivia made a new commercial treaty with Germany and established with that country mutuality of legations. A Bolivian legation was created in Berlin, the incumbent of which is also accredited to Austria-Hungary.

Argentina, and especially its capital, Buenos Aires, were throughout the year centres of international manifestations of friendship and coöperation. The celebration of the centenary of independence was followed by the sessions of the Pan-American Conference; at the same time a series of notable exhibits in the fine arts, in industry, and agriculture were held. The Pan-American Conference resolved that there should be maintained at Buenos Aires a permanent exhibition of American products.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The return of the president-elect of Argentina, Dr. Saenz Pena, from Europe to Buenos Aires in August, was made the occasion of enthusiastic demonstrations of friendship at the ports in Brazil and Uruguay touched by the noted statesman. The president-elect took part in the closing sessions of the Pan-American conference as one of the delegates of his country. In his inaugural message he made the following declaration with respect to foreign politics:

"The international politics of my government will be animated with friendship for Europe and with a spirit of fraternity for America. I share the Pan-American view, in so far as it stands for respect of the sovereignty of all the states of the continent, a bond of harmony and friendship between them, together with common deliberations upon our mutual economic interests. Argentine politics must neither be one-sidedly American nor exclusively European."

In the course of the year the Argentinian government contracted with North American manufacturers for the construction of two battleships and other naval equipment. In August, Argentina concluded a treaty of commerce with Nicaragua which contains the customary provisions. It is, however, interesting that in providing for mutual most favored nation treatment, arrangements which may have been made with adjoining countries are excepted. A similar provision is contained in the Italo-Chilean treaty of commerce which reserves from the operation of the most-favored-nation clause any commercial arrangements which Chile may have made with South or Central American states.

INTERNATIONAL CONFERENCES

The results obtained at the Pan-American Conference at Buenos Aires have already been mentioned in speaking of American affairs. It is not our purpose here to give an exhaustive list of international meetings held during the year 1910[2] but only to indicate the work of a few of these meetings which are of special significance.

[2] Such data may be found in the *Annuaire de la Vie Internationale.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

On April 18, the international conference for the suppression of the white slave trade met at Paris. Fifteen powers were represented. The conference resolved in a satisfactory manner certain difficulties with respect to divergencies in national legislation as to the age of majority and of the transmission of warrants, which had delayed the ratification of the treaty made in 1902. The methods of the police supervision were also further developed. The conference extended the system of international police coöperation to activities for the suppression of commerce in immoral writings and objects.

On May 31, an international emigration conference met at London to consider the possibility of coöperation with respect to emigration laws and the protection of emigrants against exploitation by various agencies. The international conference for the unification of the law relating to bills of exchange met at the Hague on June 23. In July, the international railway congress met at Bern; it dealt almost exclusively with technical subjects of railway management. The telegraph and telephone congress met at Paris in September.

The international conference on maritime law held its sessions from September 12 to 20, during which time it elaborated and accepted a convention concerning the law of salvage and collision. An international conference on aerial rights had convened in June. It was called for the purpose of elaborating proper rules for aerial navigation, the rights of nations to control the air above their territory, and the obligations of aeronauts with respect to foreign territorial sovereignty. During the sessions serious differences of a fundamental character developed. It was, therefore, decided upon motion of the chief British delegate, to adjourn for five months in order that the governments might consider the questions which had arisen. It seems that certain powers including Great Britain did not wish to yield the right entirely to close their frontiers against aerial vessels coming from abroad, whenever such a course seemed desirable. The continental powers are on the whole more favorable to liberal rules governing the movements of airships across national boundaries.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

In the above account we have already alluded to the action of the Hague tribunal during the past year and the utilization of other provisions of the Hague convention for the pacific settlement of international disputes. The conception of a standing international court which seemed very novel only a few years ago has already become one of the things so familiar as to seem essential to the proper conduct of international affairs. A noteworthy indication of the manner in which the use of international arbitration is becoming more common, is given by the agreement between Russia and Turkey, concluded May 17, under which a standing dispute concerning deferred interest payments on the war debt of 1878, is to be submitted to the Hague tribunal. A general arbitration treaty was adopted by Russia and Spain, on August 16. A far-reaching suggestion was made by President Taft in New York, on March 22, when he declared that it ought not to be necessary to except from the operation of arbitration treaties, questions involving national honor.

In July it was announced that the King of Italy, after careful consideration, had prepared a plan for an international agreement for limiting armaments and military expenditures. The plan provided for proportional reductions in standing military forces. It was submitted to the different governments by whom it is now being considered. A number of the governments have already taken steps to appoint committees under the resolution passed by the last Hague conference for the purpose of making preparatory studies for the work to be undertaken at the next meeting.

While no direct institutional changes were introduced during this year in international organization, a number of nations have ratified the convention for the establishment of an international prize court, and, as already has been indicated, the suggestion of giving this court also the powers of a general arbitral tribunal is finding favor among the powers. In every way the year 1910 has strengthened the respect for international law and the desire to have international affairs managed, not in a haphazard or capricious way, but in harmony with the broad principles of equity, justice, and common human welfare.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE COMMISSION PLAN OF CITY GOVERNMENT[1]

OSWALD RYAN

Harvard University

To appreciate the real significance in municipal affairs of the lately inaugurated movement toward city government by commission some knowledge of the general trend of American municipal development is necessary; for it is as a phase of a general tendency and not as an isolated experiment that the movement is to be properly regarded. Like most of our institutions, our city government, both in form and substance, was transplanted from England to the colonies, where it underwent the usual differentiation under the influence of changed conditions. This differentiation, however, did not proceed to any marked degree during the colonial period, and at the beginning of the national era the general form of municipal government, with the exception of the New England town-meeting system, was that of the English borough. Then began a new period, during which the influence of the federal and state governments dominated the organic development of the municipalities. That the "federal analogy" should have thus become the controlling factor in this development was due partly to a widespread belief in the efficacy of the governmental principles which it involved, and partly to a misconception of the functions of the municipality. A cardinal feature of the federal plan was Montesquieu's principle of the separation of powers, having for its object to safeguard the interests of the people against the arbitrary and ill-advised acts of public officers. Another characteristic was the bicameral legislature composed of members representing geographical districts. By incorporat-

[1] This essay, here somewhat abridged, received the Baldwin prize, offered annually by the National Municipal League.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ing these principles in the municipal charters which the rapidly growing needs of the urban population brought into existence during the nineteenth century, the state legislatures sowed the seed of municipal inefficiency, which was destined to bear fruit in "the one conspicuous failure of the American people."

The consequence of this senseless diffusion of powers among various boards and officials, which received its widest application during the last half of the nineteenth century, was to render almost impossible the prompt and efficient performance of municipal functions. The principle of "checks and balances," intended as a curb on the arbitrary and ill-advised acts of public officials, became instead an obstacle to the wise and salutary measures of men who had at heart the best interests of the people. Moreover, since the concomitant of the division of power is division of responsibility, it became impossible to fix the blame for inefficiency and corruption, which became ever present factors in city administration. Scarcely less sinister in its results was the principle of the representative legislature. The belief in sectional representation was doubtless based upon the assumption that the different parts of a city possess different interests as different states sometimes possess diverse interests. Experience proved, however, that there was no such division of interests as was supposed, and the municipal council, instead of regarding the general interests of the city, came to represent the special interests of particular wards. A blind adherence to principles which had contributed to the success of a national government, besides opening the way to extravagance, wastefulness and inefficiency, gave demagogic politicians an opportunity to exploit the public interests and thus prepared the way for the spoils system in local government.

The logical result of this growth toward a cumbersome and complex system was the birth, in the closing decades of the last century, of a counter movement toward the centralization of administrative power and responsibility. The important powers which had been gradually taken from the municipal council and distributed among numerous boards and officials were now centered in the mayor, who became the most powerful member of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the government. It is as another form of this tendency toward administrative centralization that the movement for city government by commission finds its proper place in the general municipal movement. As a distinguished municipal student has written: "The system of government by commission must be regarded not as a new experiment successfully conducted by a few scattered cities, but as the climax of a well defined movement, from the influence of which hardly a single city in the country has been entirely exempt."[2]

Nor is the form of the commission plan to be regarded as absolutely new. It will be remembered that the old New England form of town government by a board of selectmen, which exercised all municipal powers between the town-meetings, is essentially similar to government by commission; and Professor Beale of the Harvard Law School has pointed out that the former Boston government, with its small council and concentrated administration, was constructed on the same plan. To these precedents might be added the Memphis commission which was appointed after the yellow fever epidemic of 1874, and the Washington commission which has managed the affairs of the capital since 1878.

The first city to abandon the old form of government for the commission plan as it is commonly understood to-day, was Galveston. The immediate cause of this radical change was the destructive tidal wave which swept over the city in 1900, destroying a large part of the population and property. The great calamity came as a kind of climax to a long period of wretched experience during which the city government had become so clogged with inefficiency and corruption as to reduce the administration to a deplorable state. At this juncture, when the city was facing bankruptcy, an organization of business men, who represented large property interests, undertook to ameliorate the conditions through an attempt to secure a new government. The idea of government by commission was then suggested and embodied in a new charter. Exactly twelve months after the

[2] W. B. Munro in the "Providence Conference for Good Government."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

flood, as a result of a vigorous campaign in which many of the most prominent citizens joined, the old government was replaced by the commission.

The basic idea of the new government was the centralization of all municipal powers in a board of five members, one of whom was given the title of mayor-president. The charter provided for the appointment of three of the commissioners by the governor, and the election of the remaining two by the people at large. As a result of certain constitutional objections which were upheld by the Texas supreme court, the appointive feature was struck out, and provision made for the election of all five members by the people. The government, under the amended charter, is divided into four departments, each of which is in charge of a commissioner who is held responsible for the management of his department. The general supervision of the affairs of the municipality is vested in the mayor-president, who is the executive head of the city, but exercises no veto power or right to interfere in the affairs of any of the departments; he is a *primus inter pares*, but possesses no more power than any other member of the commission.

That the very striking improvement which followed the establishment of this simple and efficient system should have attracted the attention of other cities which were suffering from the common municipal ills, was natural, and within a few years several other Texas cities had received similar charters from the legislature. Interest in the new plan now spread to the northern states, where several legislatures passed acts permitting cities, through a referendum vote, to adopt the new form of government. The plan has spread so rapidly within the last few years that almost every section of the country furnishes some example of its application.

It must not be thought, however, that the Galveston plan was adopted in its entirety by those cities which obtained commission charters. Indeed the opinion generally prevailed that the Galveston plan was seriosuly defective in not having sufficient safeguards against the misuse of power by members of the commission, and it soon underwent a modification out of which evolved

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

a new form, which is frequently called the "DesMoines," or "improved" plan. This modified form, although retaining the general characteristics of the Galveston government, includes certain additional devices for the purpose of affording the people a more complete control over the commission, and of insuring against the influence of partisan politics in municipal affairs. These devices take the form of the initiative, referendum, recall and non-partisan choice of public officials. It should be noted, however, that this brief description is intended to indicate the fundamental features of the modified plan, and not to imply a uniformity of details, which does not exist.

The division of administrative functions in those cities which have adopted the modified form varies in the different charters. As in the Galveston plan, the mayor is always the executive head of the administration, and, except in one instance, has no more power than the other members of the board. He is sometimes placed at the head of a department, but more frequently exerts a general supervisory power over the municipality as a whole, occupying a place somewhat similar in this respect to that of the German burgomaster. The departments of "finance and revenue" and police and fire are uniformly provided for in the various charters, and the remaining functions vary in their nature and distribution in the different cities. The general policy-determining powers, including the power of appointment and removal, are vested in the commission.

The commissioners are regularly elected at large by the qualified voters of the city for a term varying, in most cases, from two to four years. In some instances they are elected to specific departments, but the more common practice is for the commission as a whole to assign its members to the several departments. An interesting question, which may be noted here, has been raised with regard to whether the commissioners should be required to devote all or a part of their time to the work of their office. It has been held by some that a liberal compensation should be provided and the commissioner be required to devote all his time to the work of his office. Others have held that such a provision would discourage from entering the public service men who would

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

be unwilling to give up their private business, and thus would deprive the municipality of the services of a most competent class of men. The present trend of opinion seems to favor the provision requiring the commissioner to devote his entire time to the work of the city.

The initiative, referendum and recall, which characterize the modified plan, further reflect the desire for more efficient and responsible officials. The DesMoines charter, which, because it has been widely copied, may be regarded as typical in this respect, provides that any proposed ordinance may be submitted to the council on a petition signed by 25 per cent of the voters, and requires the council to pass the ordinance without alteration within twenty days, or, if requested in the petition, to submit it to the people for vote. The voters then have the privilege of enacting the ordinance into law, which may not be altered or repealed by the council until it has again been submitted for popular vote. The charter further provides that any ordinance may be suspended on petition signed by 25 per cent of the voters and presented within ten days after the passage of the ordinance, and makes it obligatory on the council either to repeal or submit the offensive ordinance to a referendum vote. A referendum is required on all franchises. The recall may be brought into use by a petition signed by 25 per cent of the voters; if the petition is found to be sufficient the council is required to call an election in which the offending official may be a candidate. A perplexing question has risen in many cities in connection with the per centum of votes required to bring the recall into operation, and a dissatisfaction is noticeable in more than one city with the per centum which has been fixed. The general opinion seems to be that this provision should vary with the size and character of the population; thus it has been held that the 25 per centum is too small for a city of the size of Haverhill and too large for one of the size of Buffalo.

Enthusiastic supporters of the modified plan of commission government are accustomed to point to these provisions for direct legislation as its most important point of superiority over the Galveston system. Indeed, it must be admitted that the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

addition of this machinery to the original plan has had much to do with overcoming the objection that the commission system is undemocratic, and it is probable that it would never have received such wide adoption had it not been so altered as to place the governing body under closer popular control. And yet, though great dependence is placed on the initiative, referendum and recall, the ultimate efficiency of these devices is by no means an established fact. It should not be forgotten that the principle of direct legislation, in the few cases where it has been applied in the United States, has not been an unqualified success. It may easily be seen how the principle, if applied to an extreme degree and by an unintelligent electorate, might prove an unwise interference with the work of the commission. Nor is the cumbersome and expensive nature of the instrument to be disregarded in considering the advisability of its adoption in large cities. Indeed, it may be said with certainty that as long as the city electorates possess no higher sense of civic consciousness and intelligent interest than they have shown in the past, this method of direct legislation will not produce results commensurate with the expectation of its promoters.

Thus far the recall, with one exception, has not been brought into use in commission-governed cities, and it is, therefore, difficult to render judgment on the efficacy of this instrument. Some persons have asserted that it will deprive the commissioners of their independence of action, and make them subservient to the popular clamor. Others have feared that it will put a weapon into the hands of corporations seeking public favors, who will use it to influence the commissioners. All that may be safely said of the recall as a part of the modified system is that its influence at present lies in its potentiality, and not in its actual use.

Another principle which is perhaps no less important than that of direct legislation in the modified commission plan, is embodied in the non-partisan choice of all officials and employees of the government. The methods which have been almost uniformly adopted to accomplish these objects are the non-partisan primary and election and the civil service board. Here we find the charters varying in the extent to which they provide for the elimination

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of partisan politics in municipal affairs. The Haverhill government, for example, merely includes the non-partisan ballot and civil service, while the Iowa law, on the other hand, goes further in prohibiting any person or candidate from accepting or giving money to a candidate for office to secure election or appointment; and provides for the punishment of any person who accepts money for services rendered to a candidate.

Most charters provide for a non-partisan preliminary election for the selection of candidates in which any qualified voter who has secured the endorsement of a certain per cent or number of the qualified voters may become a candidate. The candidates chosen in the preliminary election are then voted on in the general election. There are certain modifications of this system, however, which will be briefly noted. The Berkeley charter provides for the nomination of candidates by twenty-five individual certificates instead of a single petition, as in the Iowa law. The same charter also adopts the French system in providing that if any candidate receives in the first election a majority of the votes cast, he is thereby elected, and that, in case he fails to receive a majority, a second election must be called in which a simple plurality is sufficient to elect. The Grand Junction charter contains an interesting innovation in a provision for a preferential system of voting which is intended to give the citizen a wider range of choice and to dispense with the necessity of a second election. The Berkeley method of nomination by individual certificates is also found in this charter.

The civil service board is sometimes provided for in the charter and sometimes in the general laws of the state, in which case there may be a local board in each city or a single state board. The ordinary charter provides for a board of five members who are elected by the commission and have no other official connection with the government.

The principle of the merit system, thus embodied in the ordinary commission charter, is unquestionably essential to the well-being of the administrative service; the provisions prescribing the manner in which this principle shall be applied, however, are open to serious criticism and constitute an important defect in

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the commission charter. The charter ordinarily contains a brief statement of the merit principle and leaves it to the commission to supplement this principle by establishing the scope and work of the civil service board. But this scheme is inconsistent with the fundamental principle of the commission plan, the centralization of official responsibility. If the civil service board failed to carry out the principle laid down in the charter the responsibility for this failure plainly would be divided between it and the commission; and this involves a situation which is supposed to find no place in the theory of the commission government. Moreover, the scheme places the civil service board too much in the power of the commission: the charter provides a civil service board as a check on the probable tendency of the commission to use the administrative offices as spoils, and at the same time, by leaving it to the commission to determine the scope of the board's duties, places to a considerable degree in the commission's hands the power which it presumably seeks to check. The effective application of the merit system requires a more complete definition of the powers of the civil service board than the commission charters at present contain.

An impartial investigator, comparing present conditions in commission-governed cities with those existing under the old system, will be impressed with the striking results which have been accomplished under the new plan. Perhaps the most marked change has been in the administration of the city's finances, a department which has without exception responded to the expert efforts of the commissioners. Large floating debts have been extinguished; sinking funds created and the public credit restored; the policy of resorting to bond issues to meet current expenses has been abandoned; the public funds have been let out to financial institutions and have thus afforded a source of considerable income; expenses in all departments have been cut down and the tax rate in some instances has been reduced. In addition to an improved financial condition, investigation shows a decided improvement in the various public services, which invariably have been brought to a higher point of efficiency; purer water, better streets, and a more efficient police and fire service are testified to by visiting delegations and students.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Again, a higher grade of men, in most instances has been attracted into the municipal service. The reasons for this are plain. Aside from the necessity of catering to a political "boss" in order to hope for public office, perhaps nothing has been more influential in driving competent men from the public service than the curtailment of the powers of the council, and the diffusion of those powers among numerous boards and officials, which took place in the last century. The experience of those years proves beyond all doubt that the character of civic office declines according to the power associated with it. As President Eliot has said: "There are always numerous good candidates for office when power, responsibility and other considerations are attached to it." The increased power and importance which the commission charter confers upon the council, and the freedom of the candidate from the tyranny of the boss, have no doubt been responsible for the presence of a better grade of officials in the commission-governed cities. Whether the second of these factors will continue to be operative time only can decide.

It must not be thought, however, that the commission governments have always been in charge of men of extraordinary ability, or that the success of the plan depends upon the presence of experts on the commission. The expert must be present if the commission government is to be a success, but he must be present in the permanent official and not necessarily in the elective commissioner. The commissioner's function is supervisory, not administrative, and the people are always competent to choose a supervisor, although they seldom succeed in choosing expert administrators. It is true that some commissions, like that of Haverhill, Massachusetts, are made up of municipal experts; the majority, however, like that of Galveston, are composed of men of average ability. When it is remembered that the prevailing type of elective official in American cities under a system of manhood suffrage is likely to be the man of average powers, the great importance of this fact in determining the ultimate value of the commission plan becomes apparent.

Another striking improvement has been a general elevation in in the moral tone of the cities which have adopted the new plan.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Citizens and investigators generally agree that the advent of the new system has been marked by an elimination of gambling, the policy shop, the disreputable resort and other forms of vice. Perhaps the most striking example of such improvement is found in Galveston, where the lawless elements, for many years previous to the adoption of the commission form, exerted a tremendously demoralizing influence over the administration. A simple program of strict and impartial law enforcement has been responsible for this change.

A consideration of the improvements which have taken place under commission government naturally gives rise to the question: What causes have been responsible for these results? The advocates of the commission plan give the entire credit for the improved conditions to the system itself; its opponents explain the improvement in the light of the increased public interest in city affairs, and assert that the old system would have given the same service if it had been supported by an active public opinion. Although it must be admitted that public opinion is an important factor in the success of a system of government, it is not to be denied that the form of the government is also important, and this fact has always been recognized by the people. A consideraation of the merits and defects of the commission plan, therefore, will be helpful in explaining its past success and in judging of its ultimate value.

By far the most conspicuous merit of the plan lies in its centralized character. The whole course of municipal history points to the truth that administrative skill and efficiency, to be effective, must be centralized. An appreciation of this principle explains the marked efficiency of European city governments, just as its violation accounts for the inefficiency of the American governments. Now, as has often been pointed out by its advocates, city government is largely a matter of business management, and, therefore, demands an administrative organization that will be suitable for conducting business operations. The commission plan, with its small council, resembling a board of directors, thus permits the transaction of the city's business with the same promptness and efficiency with which the affairs of a private corporation are man-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

aged. Especially will this advantage be apparent in the management of public franchises,—a function which is too often associated with gross inefficiency and corruption. Indeed, it is almost impossible under the old form of government to secure a regard for the ordinary business principles in the granting of franchise and other public privileges. The small commission may reasonably be expected to correct this evil and secure more equitable conditions for the public. Moreover, while the commission charter does not guarantee to eliminate corruption in connection with these grants, it promises to reduce the probability of such corruption to a minimum.

From this centralization of power flows another distinct merit of the commission plan, namely, a centralization of official responsibility. The most impressive lesson which our municipal experience teaches is that honesty and efficiency in government are but idle terms when responsibility is divided, and it is no exaggeration to say that whatever improvement the past few years have witnessed in our cities has involved some recognition of this principle. Now, under the commission plan responsibility is centralized in a few elective officers who have no means of evading it. "The citizen of the commission city," declares the enthusiastic advocate, "knows who is responsible for the impure water, the unclean streets or the negligent police force, and may direct his criticism against the delinquent officer." The consciousness of this ever present public scrutiny, it is asserted, will keep the commissioners responsive to the popular will and eliminate official negligence and incompetency from the administration. This merit is undoubtedly to be commended in the commission system, and yet it must be not overlooked that, to be effective, it must be supported by an enlightened public interest, and that an indifferent electorate will not only fail to make effective this responsibility, but, because of the centralization of power which goes with centralized responsibility, will open the way to more serious consequences than would be possible under the old system of divided power. Concentration of responsibility is not *ipso facto* a guarantee of honest and efficient administration, although it will do much to secure good government when supported by public opinion.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Another commendable quality of the commission plan is its extreme flexibility, which permits the administrative machinery to be adapted to the needs of the individual city. Here again we encounter a weakness of the old government which appeared during the last century; for, strange as it may seem, our city governments have not always possessed the rigidity of character which now characterizes them. The same period that saw the dominating influence of the state and national governments on the municipalities witnessed the gradual assumption by the state legislatures of powers previously exercised by the local governing bodies. Among these usurpations was the power of prescribing the details of the local administrative machinery, which thereafter was exercised by the state, which possessed little, if any, knowledge of local needs. The logical result was the growth of an inflexible administrative organization which, under rapidly changing social and economic conditions, made practically impossible a scientific solution of the city problem. The commission plan, therefore, by intrusting the details of organization to a locally elected body, makes possible a flexible and responsive administrative machinery, which will go far to solve the problem of city government.

In general harmony with these motives of securing a centralized, responsible, and flexible administration, the commission plan seeks to eliminate partisanship from the administrative service. The importance of this virtue in any plan of city government must be apparent to all who have observed the demoralizing influence of partisan politics in city affairs. Several years ago James Bryce wrote that the party system was perhaps an incident rather than a cause of the failure of the American city governments. It can scarcely be doubted now that the influence of party politics has been one of the leading factors in the decline of the cities. Without this baneful influence the cities would hardly have reached such a degraded state as that into which they fell under the party system. It does not follow, however, that because partisan politics should be banished from city administration the party system itself should be abolished. While the struggle between parties founded on state and national issues, and having no relation to city policies, is to be condemned, it is none the less true

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that parties divided on local issues are both desirable and necessary, and should be recognized as a legitimate part of local government. It may be noted that the well-governed cities of Europe are all administered by the representatives of parties. These parties, however, divide on local issues and do not treat city offices as political spoil. Those who are directing the development of our city government should not lose sight of this necessary distinction between partisanship and local political parties.

The merits of the commission plan which have been briefly outlined are much more obvious than its defects. This is due to the comparatively short trial which the new system has had, and to the further fact that it has been tested under most favorable conditions, which may easily have prevented latent defects from revealing themselves. Objections have been urged against the system, however, which deserve the serious consideration of all who are sincerely desirous of bettering the condition of the cities. Perhaps the most frequent indictment of the plan is that it is un-American and contrary to the spirit of our institutions. The concentration of all powers in a small body, which advocates of the system regard as one of its most conspicuous merits, is denounced as a tendency toward oligarchy, to be justified only on the ground that the many should be ruled by the few. The objection is difficult to maintain. It has always been recognized in American government that where responsibility is centralized there is no danger of a subversion of democratic institutions. The New England town-meeting system, with its concentration of all important powers in a small board is essentially similar in this respect to the commission plan, and the town-meeting plan has been universally admitted to be the most perfect form of democracy ever devised. Moreover, as Professor Munro has pointed out,[3] it has proved time and time again that the single elective officer may in his official actions more faithfully reflect public opinion than a large body of elected representatives. Nor should it be forgotten that the commission plan embodies in the initiative, referendum and recall a more radically democratic principle than is contained in the old system.

[3] In the "Providence Conference for Good Government."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

In one very important respect, however, the new form may be said to depart from the established traditions of American government, namely, in the fusion of appropriating and expending authorities. The principle has generally been recognized that these two authorities should be kept separate, and with the exception of a few county organizations the national, state and local governments provide for the exercise of the appropriating and expending functions by different bodies; even the New England board of selectmen possessed no powers of appropriation, but could expend only what the town-meeting had appropriated. It is significant that there has been no serious attempt to meet this objection to the commission plan, and indeed it would appear that no satisfactory rebuttal exists. All that can be said is that the means of controlling the commission provided in the new plan will tend to weaken the force of this objection.

Another objection offered to the commission plan is that it will encourage the legislatures to further intervention in local affairs, and thus jeopardize the success of the movement for municipal home rule. It is asserted that legislatures in the past have been extremely opposed to granting extensive powers to small bodies and that the small governing body of the commission will be no exception to this rule. It cannot be denied that a wide sphere of local control is indispensable to the proper solution of the municipal problem; nor will it be doubted that the natural tendency of the legislatures has been to be sparing in its grants of power to small commissions. On the other hand, it may be said that thus far no tendency inimical to home rule has appeared in commission-governed cities, and that in some cases the legislature, instead of withholding powers, has been even more generous than usual in its grants. The force of this objection is further weakened by the fact that the important legislative powers,—the powers which would stand in danger of being withdrawn from the city under the new form,—are not vested in the commission at all in most charters, but in the people at large through the initiative and referendum. Moreover, it may be said that in one respect the commission plan even discourages legislative intervention. One of the outstanding causes of state interference has been the in-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

flexible character of the old system, which has made it necessary for the legislature to interfere whenever local conditions required a change in the administrative organization of the city. Now under the commission plan, since the details of the local administrative machinery are entirely under the control of the commission, there is no excuse for state interference in this sphere of local affairs.

Intimately connected with the charge that the commission plan is unfavorable to home rule for cities is the objection that it is based upon a misconception of the nature of municipal functions. A consistent advocate of commission government, it is declared, is forced to take the position that city government is purely a problem of business and that the government should be organized solely with a view to administrative efficiency. Thus, the commission plan, it is asserted, by lodging all powers in a small board of department heads, makes no distinction between legislative and administrative powers. It is probably true that the advocates of the new form are accustomed to lay undue emphasis on the administrative character of the municipality, and frequently lose sight of the fact that after all municipal government is a political problem. And it must be admitted that a small board of five men, the larger part of whose time and energies must necessarily be occupied with administrative problems, would not appear to be the most efficient kind of a legislative body. On the other hand, it should not be overlooked that the commission form does recognize a distinction between legislative and administrative powers: all administrative powers are vested in the commission, and the most important legislative powers are exercised by the people at large through the initiative and referendum. The opponents of the new system should also remember, in their attacks on the administrative character of the commission plan, that, while city government is not merely a business problem, there is strong need for the application of business principles in city administration, and that its failure to provide for a more businesslike management of the city's affairs constitutes one of the greatest indictments against the old system.

Finally, the opponents of commission government have charged

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that the new form will increase the influence of party organs. It is said that whenever an office has been made more important through the addition to it of more power, party machines have redoubled their efforts to control it, with the result that partisanship in municipal elections has not been diminished. In the light of past experience this objection would seem to merit serious consideration, and yet it must be conceded that thus far commission-governed cities have been successful in ridding the government of machine rule, and that a non-partisan administration has been obtained in practically every instance. It would be rash, however, to assume that political organizations could never find means to get control of public offices under the commission plan; if public sentiment became lax, the commission government would be no more immune against the power of the machine than any other form of government. Moreover, the consequences resulting from such subjection to machine rule would doubtless be much more serious than under the government of distributed powers, on account of the large powers which are vested in the commission. On the other hand, the commission plan, through its provisions for a non-partisan primary and election and the concentration of official responsibility, will make it much easier for an active public opinion to express itself, thus reducing this danger to a minimum.

But while the objection that the commission government would strengthen the influence of party machines in city elections may not appear so formidable in view of the non-partisan character of the election, it nevertheless takes on an increased importance when large cities are considered. For, while the candidate for public office in the small city can get the ear of the electorate without the aid of a highly developed organization, the candidate in the large city finds this practically impossible, so large is the number of voters to be addressed. He is therefore compelled by necessity to resort to the plan of building up an organization to promote his candidacy. But in this kind of work the political specialist backed by the machine will have a tremendous advantage, and thus the machine candidate stands an excellent chance of success. Moreover, the city of large and heterogeneous popu-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

lation presents political problems which are not so much in evidence in the small city, and it may be doubted whether the small governing body of the commission plan will afford a genuine representation of the various interests that make up the large city. While the fact that none of the large cities have had experience with the system will not permit any dogmatic statements regarding its efficiency in this sphere, its adoption, nevertheless, by large and cosmopolitan communities would appear to be a precarious experiment at the least, and one to be undertaken only after the most thorough consideration of its probable consequences.

To render final judgment at the present time on the efficiency of the commission plan of city government would be an act of presumption for which no person who understands the difficulty of the municipal problem in the United States would be willing to stand responsible. The reason for this becomes obvious when we remember that no city has had experience with the system extending beyond a single decade. Experience would seem to say that the ultimate success of any municipal system depends upon the character of the men who administer it, which is to say that the whole problem is one of securing competent and public-spirited men in public office. Now, if the commission plan is so constructed as to attract this kind of men into the municipal service, as past experience would seem to indicate, it must be adjudged efficient. The most scientific opinion thus far expressed on the new system is probably that of Professor Albert Bushnell Hart, who declared that "the Texas commissions are thus far distinctly successful, and are likely to last a considerable time, and perhaps will be permanent.[4]

And yet it may be said with certainty that the experience of these commission-governed cities, short and insufficient as it is to warrant a dogmatic conclusion, contains valuable lessons for American cities that are struggling with the municipal problem. The striking results which have been obtained wherever the new form has been established plead eloquently for the simplification

[4] *Boston Transcript* for April 11, 1908.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of a system which, because of its decentralized and inefficient form, has long since proved itself inadequate for performing municipal functions. Whatever may be the future municipal system in the United States, we may reasonably predict that it will at least contain the fundamental principle of the commission plan, namely, a centralization of administrative power and responsibility.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

TENDENCIES TOWARD MINISTERIAL RESPONSIBILITY IN GERMANY

WALTER J. SHEPARD

Ohio State University

When asked, "How far do you regard the present constitutional system of the Empire final?" Bismarck is said to have replied, "Final it is not. Doubtless we shall pass through the stages which you in England have passed through. But it will be a slow, gradual process, and we cannot foresee the direction which development will take." That judgment expresses a strong belief in the evolution of constitutional government,—an evolution, moreover, which in general must follow the course of English political development, but which will doubtless unfold very slowly and reflect in its details the influences of special circumstances and local tendencies. To the general propositions which the Iron Chancellor stated, the student of comparative political institutions must give assent. Ever more clearly are we coming to see that the changes in the forms and organization of governments follow an orderly, developmental sequence.

The belated evolution of parliamentary government in Germany is entirely explicable from the peculiar centrifugal forces which prevented absolutism, in the seventeenth and eighteenth centuries, from accomplishing its great mission of national unity. That work was left to the nineteenth century. The results of the Revolutionary and Napoleonic era were; first, the widespread acceptance of the most advanced doctrines of constitutionalism and the adoption, in most of the smaller states of Germany, of constitutions more or less closely modeled on the French Charte; and, second, the dissemination of the idea of German national unity as the only secure protection against foreign aggression.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Though urged together as concomitant principles of the Liberal cause, these two dynamic ideas were essentially incompatible. The nature of constitutionalism, culminating as it does in democracy, is dispersive, centrifugal, disintegrative. Unification could only be accomplished by the absolutist agencies of iron and blood. The priority between these two movements belonged logically to that for national unity. The constitutional propaganda undoubtedly interferred with, and probably somewhat delayed, the achievement of a united Germany; but the dominant note throughout the period from Jena to Sedan was national unity. This movement has left a heritage of crass materialism, a worship of force, which constitutes one of the striking characteristics of present-day Germany. The remarkable transformation in the nation's *Weltanschauung*, in the *Zeitgeist*, since Kant and Fichte, Goethe and Schiller expressed the lofty idealism of the Germany of a century ago, must be reckoned with in any attempt to guage the strength of liberal tendencies to-day. This spirit of aggressive materialism, personified in its completest sense in Bismarck, has dominated external and internal politics, as it has all commercial and industrial activity, and has gone far toward crushing out the sentiments of liberty and freedom, of self-government and popular rights, which, for the very reason that they were in large measure doctrinaire, flourished in the philosophic atmosphere of the early nineteenth century. There is no doubt that the cult of force conduces to the strengthening of the monarchical principle.

The constitutional movement of the first half of the nineteenth century, on the other hand, has very much of a fictitious character. It is essentially premature; it represents the efforts of the advanced Liberal section of opinion to force the nation into a phase of constitutional evolution for which it was not yet ready. The formal copying of the institutions of England and France had the effect merely of setting in motion powerful forces of reaction. All the fundamental laws which date from this epoch contain definite articles on ministerial responsibility, impeachment, countersignature and interpellations. They afford ample basis, so far as constitutional prescription goes, for the establishment

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of responsible ministerial government. They satisfied the demands of radical publicists like Rotteck, Welcker and Robert von Mohl, whose works on constitutional government were one of the principal agencies for the spread of French and English ideas. And yet up to the present moment in no state of Germany, and much less in the Empire, have ministers recognized a real or effective responsibility to anyone but the monarch.

The work of national unity and the reactionary tendencies incited by the premature adoption of the outward forms of parliamentary government have checked the development of liberal institutions. But of recent years the indications of a transition to a new phase of government have become increasingly numerous and remarkable. These signs of change may be grouped into three general classes: first, the tremendous upheaval of discontent at what is called the 'personal régime' in the Empire; second, the widespread demand that an effective ministerial responsibility to the Reichstag be imposed upon the Chancellor, and the suggestions of such a change actually taking place; third, the democratization, and agitation for democratization, of the electorates in the several states.

Discontent at the personal rule of the Kaiser has been occasioned by his oft-repeated assertions of divine right, by the obtrusion of his personality into every sphere of private as well as public activity, by his direct participation in elections and aggressive opposition to Social Democracy, by his flamboyant and indiscreet utterances on foreign affairs, and finally by the lack of success which has attended his efforts in personally directing Germany's foreign policy. There is no doubt that the feeling of dissatisfaction and protest at the personal régime is almost universal. No party or section of political opinion defends the Kaiser against the chidings of the nation. But it does not follow from this that the desire for parliamentary government of the English or French type is equally general. Twenty years ago the Kaiser "dropped the pilot," and has insisted ever since on steering the ship of state himself. His chancellors have been mere personal secretaries with very little power of initiative. To do the Kaiser's bidding has been their almost sole function. Having taken the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

helm, he has been compelled to bear the responsibility. In descending into the arena of party contests, he has forfeited the protection which the throne affords. The mystical doctrine of royal irresponsibility cannot be pleaded by him who chooses to be his own first minister. William I more wisely exercised his autocratic power through a Grand Vizier. Bismarck, in taking over the effective direction of governmental policy, was able to shield his "*alter Herr*" from the popular attacks and partisan hostility, to which William II has subjected himself by undertaking on every occasion the personal direction of government. The purely formal responsibility which the Chancellor has assumed for his Imperial master's acts has deceived no one. The reaction against the personal régime might have been predicted as soon as the principles governing the new reign were discerned. This protest and discontent at arbitrary personal government does not, however, imply a desire for parliamentary ministerial responsibility. It may mean, and among large sections of the people does mean, nothing more than a demand for a return to Bismarckian traditions,—a restoration to the Chancellorship of the functions of a Grand Vizier.

Thus far it is evident that the national revolt against the personal régime has produced no perceptible effect upon the mind of the Emperor. His latest appointment to the Chancellorship can in no wise be interpreted as indicating a willingness to return to the practice and methods of his grandfather. Whether we view Prince von Bülow's retirement as occasioned by his defeat in the Reichstag or as the consequence of the withdrawal of Imperial favor, there is no doubt that von Bethmann-Hollweg occupies no essentially different position than his predecessor. The Kaiser, in insisting on himself playing the star rôle in every act of the political drama, condemns the rest of the caste to a dead level of mediocrity. It is difficult to say how far this refusal to listen to the loud expressions of popular disapproval may go without causing a decided increase in the demand for a more radical solution. As yet, however, the most influential section, though probably not the numerical majority, of the people are opposed to the establishment of parliamentary government.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The second class of indications of impending change more definitely point in the direction of ministerial responsibility. Indeed they have been widely hailed as insuring a speedy transition to parliamentary government. Their importance, however, we are convinced has been greatly exaggerated. Article 17 of the Imperial Constitution, it must be remembered, provides that "The ordinances and decrees of the Emperor shall be issued in the name of the Empire, and require for their validity the countersignature of the Imperial Chancellor, who thereby undertakes the responsibility for them." This article was not included in the original draft; it constituted no part of the constitution of the North German Confederation, out of which the Empire grew. It was incorporated as an amendment, on the motion of Bennigsen, and is copied almost literally from the Prussian Constitution. It has no essential or organic relation to the rest of the instrument. Together with the similar articles in the constitutions of the several states, it has been the subject of a vast amount of discussion. A veritable flood of academic literature has dealt with the nature of the ministerial responsibility which the various constitutions prescribe. Is it a civil, a criminal, a disciplinary, a constitutional, a political, or a moral responsibility? In characteristic German fashion the war of the monographs has been waged.

Especially futile is the discussion over the responsibility of the Chancellor, inasmuch as the article of the Imperial Constitution embodies inherent inconsistancies, which do not exist in the case of the states. To whom, in the first place, is the Chancellor responsible? It cannot be the Kaiser, for the intention of the article is manifestly to relieve the Emperor of a responsibility which the Chancellor undertakes. It might perhaps be interpreted as a responsibility to the Bundesrath. But since this body is representative of the confederated governments, and the Prussian government possesses the hegemony to such an extent that it practically controls its decisions, this resolves itself into a responsibility to the Prussian government, or, in other words, to the King of Prussia. Moreover, the Constitution makes the Chancellor the presiding officer of the Bundesrath, though not, as

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Chancellor, a member of the body. Can it be supposed that it was the intention to require the Chancellor to moderate the proceedings of the Bundesrath, and at the same time to be ready on every occasion to defend his acts, and those of his master, against attack on the floor of that Chamber? Furthermore the language of the article would imply, copied as it is directly from Article 44 of the Prussian Constitution, that the responsibility of the Chancellor is owed to the Reichstag, the representative body of the nation. But the difficulty here is that the Chancellor, as Chancellor, does not even have the *entrée* to the Reichstag. His presence there is as Prussian Plenipotentiary to the Bundesrath. There has grown up, it is true, a practice of interpellating the Chancellor upon every line of governmental policy, and he feels impelled to defend his own and the Emperor's acts before the bar of the people's representatives. But this is an entirely extra-legal development, and rests upon the fact that he combines in his person the several offices of Chancellor, Minister President of Prussia, and Prussian Plenipotentiary to the Bundesrath.

A close consideration of the constitutional functions of Kaiser and Chancellor will reveal the difficulty in all the proposals in Social Democratic and Radical resolutions which look toward making this formal constitutional responsibility a reality. The Kaiser does not occupy the same relative position in the *Reich* that the several monarchs do in the member-states. The title which he at first held, "Bundespraesidium," better describes his functions and powers than that of Kaiser. He is invested with the full command of the army, the appointment of Imperial officers, and the duty of promulgating the laws. Farther than this his powers are confined to executing the laws, and the ordinances which the Bundesrath decrees. As Kaiser he has no share in the initiation of legislation. The great mass of William II's power, even in Imperial affairs, comes from his being King of Prussia, and as such controlling the Prussian delegation in the Bundesrath. Likewise the Chancellor's office is always attached to that of Minister President of Prussia and head of the Prussian department of Foreign Affairs, and he is also always a member

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of the Prussian delegation in the Bundesrath. Over the Prussian Government the Reichstag has no control, and the full realization of the responsibility enjoined in Article 17 would result in the severance of the Chancellorship from the Prussian offices. Were the Reichstag able to enforce a responsibility upon the Chancellor for all the ordinances and decrees of the Kaiser, or even for all the acts of the Kaiser, as Kaiser, it would amount to very little. The King of Prussia would appoint some one else Minister President of Prussia, through whom he would continue to control the Prussian delegation in the Bundesrath and thereby exercise a determining voice in most of the decisions of that body. The Reichstag possesses very little positive power; its importance is chiefly negative. It may block legislation; discuss at length governmental policy; and affords an excellent, because unrestricted, opportunity to air radical and socialistic opinions. But it is not by the Constitution vested with sufficient power to make it an effective instrument of control. This is especially true since the Reichstag's control over the budget, the power over supply, which has been in England the most important instrumentality for establishing parliamentary domination, cannot be used as a sanction for enforcing ministerial responsibility. The experience of the "Conflict period" in Prussia is determining in this respect. The consensus of German juristic opinion denies to any legislative body the right to deadlock the wheels of government in order to enforce its control over the Executive, and would justify the latter, should such an attempt be made, in carrying on the government without the warrant of legislative enactment. It is clear that the obstacles to an effective enforcement of a responsibility by the Reichstag upon the Chancellor are well-nigh insuperable; and were he to become thoroughly responsible, his importance would immediately dwindle to insignificance.

It may be suggested that an amendment to the Constitution would easily remove these difficulties. Might not the fundamental law be revised to conform to the requirements of true parliamentary government? Just here we encounter one of those fundamental social facts which determine the special direction which constitutional evolution shall take in any country. The feder-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

alism in the government is merely the political aspect of a particularism ingrained in the social structure of Germany, which results from the imperfect achievement of the work of absolutism. In Bavaria, in Würtemberg, in Baden, in Posen, in Hanover, in Alsace-Lorraine, there exist local sentiments of nationality which would even now balk any attempt to establish for the whole of Germany an effective ministerial system, responsible to the Reichstag. The people in each of the smaller states look with alarm at any proposal to enhance the already predominant position of Prussia. The Bundesrath is the last bulwark of particularism, and this must needs be swept away before a true parliamentary system can be established. In time this may be possible, but at present the centrifugal tendency seems if any thing on the increase.

It is, moreover, not merely a *territorial* particularism, but also a heterogeneity of classes and social strata which must be overcome. That homogeneity of citizenship, which is the *sine qua non* of any truly efficient system of parliamentary government is still lacking. Political party lines in Germany coincide altogether too closely with the social, religious and class lines of cleavage to permit the normal functioning of the ministerial system, involving as it does the alternation of parties in power. Not only does ministerial responsibility require for its proper working the bi-party system; it is even more important that the parties be constructed on vertical lines which cut across the social and class lines of separation. It is not merely the group system that offers a serious impediment to the establishment of government by ministries responsible to the Reichstag; that exists in France, and constitutes, it is true, an obstacle, but not an insuperable obstacle. It is rather the fact that party lines coincide with the lines of social cleavage that offers the chief difficulty. This makes party lines extremely rigid. That passing of voters to and fro from one party to the other, which secures the healthy alternation of parties in power, would be impossible at present in Germany. Once in power a party would retain control until gradually the economic development might produce a change.

The truth is that the Constitution of the Empire is as truthful an expression, as is possible, of the actual forces which underlie

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the government. The Kaiser represents the principle of unity. He is the incarnation of the sentiment which, springing up in the War of Liberation, grew in strength and power until it reached fruition in the memorable scene at Versailles in 1871. The Bundesrath is the representative of the sentiment of particularism, which hitherto has successfully checked the farther growth of the sentiment of consolidated nationality. Both of these institutions, moreover, embody the principle of the hegemony of the Prussian Government. The Reichstag alone represents the German people, the popular element in the state. The clamor for a more definite responsibility of the Chancellor to the Reichstag does not take account of the fact that to effect this it would be necessary to seriously disturb the balance of forces which the Constitution now safeguards, and would arouse opposition from altogether unexpected quarters.

The third, and in many respects the most significant, class of signs of the times in Germany relate to the democratization of the basis of representative government. The agitation for ministerial responsibility to the Reichstag is due to the fact that this body is elected by direct elections, universal suffrage and secret ballot. Were it not for the gross inequalities in the distribution of seats, the Reichstag would be a model of a popular, representative body. Its competence is, however, too limited to make it an effective organ of government control. Is it not reasonable to expect that, as soon as the same liberal principles are applied to the electorates of the member-states, the demand for ministerial responsibility will there also become urgent? It is, therefore, highly interesting that a general movement for electoral reform in the member-states of the Empire is under way. In the smaller German states important reforms have already been accomplished. In Baden, the most liberal of the South German states, universal manhood suffrage for the lower chamber of the Landtag has existed since 1869, but the elections were indirect. In 1904, direct elections were introduced. At the same time the upper chamber was liberalized by the inclusion of representatives of Chambers of Commerce and the municipalities. Würtemberg, in 1906, reformed her lower chamber by eliminating the privileged mem-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

bers, "knights" and "clergymen," and substituting members chosen by proportional representation. In the same year, Bavaria passed from indirect to direct elections. Saxony, in 1909, repealed the three-class electoral system, which since 1896 had disgraced her Constitution, and introduced in its place a system of plural voting. Every man is given a direct secret vote, but a second and a third vote are given those who possess special property, educational, or professional qualifications. Far from ideal as this system appears, it is a great improvement. Oldenburg, in the same year, substituted universal manhood suffrage and direct elections for a suffrage based on tax-paying and indirect elections; and Saxe-Weimar substituted direct for indirect elections. Finally in the draft of a constitution for Alsace-Lorraine, which the Bundesrath has adopted within the past few weeks, provision is made for a bicameral legislature, of which the lower house is to be elected by universal suffrage.

The reform of the antiquated and ridiculous three-class electoral system in Prussia has long been vigorously agitated. This year the Government was finally brought to the point of introducing a measure which looked to its modification. So completely unsatisfactory was it, retaining as it did most of the objectionable features of the old system, that Social Democracy was at once thrown into a fever of such colossal demonstrations as Germany had never before witnessed. Cut to peices by the lower chamber of the Landtag, and certain of rejection in the upper house, the Government was forced to withdraw it to avoid a more crushing defeat. The results of this experiment in giving a stone when the people have demanded bread are really startling, and ought to cause deep heart searchings in high quarters. Whether the entrenched powers of autocracy and beaurocracy can be compelled to grant the popular demands is, of course, a question. The three-class system is the citadel of their powers; its abandonment would give the enemy possession of the entire fortress. A voluntary abnegation of the advantages which *Junkerthum* and *Beaurokratie* now enjoy is scarcely to be looked for. The application of some form of compulsion will probably be necessary. The Social Democrats would, of course, profit most largely

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

by a thorough-going reform of the electoral law; indeed, it is doubtful if any of the other parties would gain much. Even the Radicals cannot be expected, therefore, to view with the same eagerness a régime in which property is given no recognition whatever. The Clericals desire the secret ballot; the Liberals and Radicals would gain much from a redistribution of seats; but the Socialists alone sincerely, and without reservation, wish to abolish the ascendancy of property. Whether they can recruit allies from the Radicals depends upon how amenable they prove themselves, in the immediate future, to the influences which are working toward a revision of their intransigeant program. So long as Bebel dominates Social Democracy, and insists upon the adherence to the uncompromising doctrinairianism hitherto enforced, there is little chance of gaining assistance from the *bourgeoisie*. But the signs of greatly increased strength in the Revisionist wing of the party, and the faltering admission by the old leaders that in certain circumstances a *practical* attitude may be justifiable, afford ground for hope. Unless a really effective alliance can be secured with the Radicals there is no reason to believe that a peaceful solution of the question is possible. Even with the entire Left united it is difficult to see how the forces of reaction can be dislodged without a resort to force. The indications from all by-elections to the Reichstag point to a greatly increased Socialist poll. How long can this tremendous human flood be restrained within the barriers of the Prussian Electoral Law? When it bursts its bonds will it not carry all before it? Already some of the Socialist leaders are willing to resort to that recently invented, and most dangerous, weapon, the general strike. The thorough discipline, which the demonstrations showed the Socialists to possess, gives good promise of their being able to use this instrument effectively. Were it once employed, the end might come quickly.

The Prussian Electoral question is not, as von Bethmann-Hollweg wishes to make it, a purely Prussian matter. Because of the predominance of the Prussian Government in the Bundesrath, through which it can practically nullify anything the Reichstag undertakes, any measure which tends toward liberalizing

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the Prussian Government must have a vital interest for the whole of Germany. The democratization of Prussia would bring about the democratization of the Empire. Everything would be thrown into the melting-pot. The agrarian tariff would go; the Naval Act would be seriously cut down; even the army might not be beyond the reach of the party which is avowedly anti-militarist. It is in its connection with the Empire that this question of Prussian Electoral reform is of particular interest to us, for in the democratization of the Prussian Government probably is also to be found the key to the problem of ministerial responsibility in Germany.

Let us consider what the results of universal suffrage, direct elections, and the secret ballot in Prussia would be. The upper chamber of the Prussian Landtag does not possess the peculiar powers, nor occupy the same relative position of importance in the Prussian Government, as the Bundesrath. On the other hand, the Prussian House of Representatives is relatively a more powerful body than the Reichstag. Unembarrassed by the principle of federalism, and less subject to the evils of fractional parties, it is more than probable that a thoroughly popular chamber would be able to institute an effective control over the Prussian ministers. The Prussian Constitution already prescribes such a ministerial responsibility, and it would only be necessary to enforce it, perhaps, if resistance were attempted, by means of an impeachment-process, which the Constitution also provides for, but which would require an *Ausführungsgesetz*. The same course of development will doubtless take place in the smaller German states. It may even be expected that some of them will anticipate Prussia in this respect. But the introduction of ministerial responsibility in Prussia would transfer the ultimate control over the Prussian delegation in the Bundesrath from King to Landtag, as ministerial responsibility in the smaller states would result in popular control of their delegations. And, since the principal power of the Emperor springs from his being King of Prussia and thus being able to control that state's delegation, this change would very seriously reduce his power in Imperial affairs. In like manner, the Chancellor would no longer be Minister President of Prussia, or charged with the ad-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ministration of the Prussian Department of Foreign Affairs, whence issue instructions to the Prussian delegation in the Bundesrath. His powers would immediately shrivel up, and he would become merely the Kaiser's personal agent, and the moderator of the proceedings of the Bundesrath.

If we may suppose the existence of a thoroughly responsible and powerful Minister President in Prussia, supported by an able ministry, and possessed of the full confidence of the Prussian Landtag, it is evident that he would be in the position, which the King now occupies, to control the Prussian delegation in the Bundesrath; and, while that delegation does not constitute a majority of the entire body, such a Minister President would probably be able, as the Prussian Government is at present able, to secure sufficient support from some of the other states to afford him a majority on nearly all questions. This would be especially true if the same popular control had been established over the delegations of the other states in the Bundesrath. What would be the result under such circumstances? The Bundesrath would become the responsible agent of the Prussian Ministry, which, in turn, would be responsible to the Prussian Landtag. The Kaiser, and his personal agent, the Chancellor, would still be nominally vested with control over the army, the appointment to Imperial offices, and the execution of the laws of the Empire. But with the Bundesrath, the Reichstag and the Prussian House of Representatives, all combined in their attack upon autocracy, it could not be long before even this sphere of governmental activity would be brought under some kind of parliamentary control. Curiously enough, the Prussian Landtag, and not the Reichstag, in such a case would become the ultimate controlling power in the Empire. And, so long as the principles of federalism and Prussian hegemony are retained in the German Empire, no other result may be expected. The natural and logical order of evolution would seem to be the historical order, from individual state upward and not from Empire downward.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NOTES ON CURRENT LEGISLATION

CONDUCTED BY HORACE E. FLACK

Coal Mines, Illinois: At the special session of the Illinois legislature held early in the past year, a law was enacted which provides for suitable protection from fire in coal mines. This law makes it the duty of the mine owner to establish a system of pipes, of certain size, carrying water from a standing pipe, tank, or pond into the mine, with hose connections at definite locations and at stated intervals throughout the mine. These hose connections are to be so located that a fifty-foot hose will carry water from the pipes to any point in the mine. The hose shall be tested to a pressure of two hundred pounds per square inch.

Where passage-ways are timbered, there shall be provided two lines of automatic sprinklers of "fusible fire plug type," and so constructed that 165 degrees F. shall release the water. These sprinklers are to be placed not more than ten feet apart; and where cribbing is more than three feet in vertical thickness one sprinkler shall be provided for each sixty-four square feet of horizontal area of such cribbing.

Special provision has been made for the protection of underground stables located within 1000 feet of the hoisting shaft. In these one sprinkler shall be provided for each 64 square feet of surface. In those stables not provided with sprinklers barrels of water shall be kept, and they shall be not more than fifty feet apart. Two barrels of water shall be placed in each passage way into which the stable opens. And each stable shall also be provided with a chemical fire extinguisher of a stated capacity.

Every mine shall have at least one extinguisher of not less than three-gallon capacity and one of not less than six-gallon capacity for each fifty employes, with a minimum of six extinguishers to be placed at convenient distances throughout the mine.

Unless an underground stable is fire-proof, it shall not be nearer than six yards to any regular traveling way, and each stable shall have fire proof doors at each opening, and not more than two days' supplies of hay and bedding and a week's supply of grain shall be kept in the mine.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The law further provides for systems of telephones and electric gongs throughout the mine that the miners may be more easily warned of fire in any part. One telephone must be installed for every one hundred miners employed.

New mines developing after the passage of this law must be provided with fire-proof roofs in every passage-way, and every part of each underground stable must be fire-proof.

Neglect or refusal to comply with the law shall be punishable by fine of from $50 to $200, or by imprisonment for not less than three months. A mine manager convicted of violation of the law shall have his certificate of competence revoked by the State Mining Board and another shall not be granted him for at least three months.

County inspectors may be appointed by the county commissioners of each mining county upon the request of the State Mine Inspectors. It shall be the duty of the county inspector to enforce the mining laws in his county and he shall have therein the same powers as the State Mine Inspectors. In case of violation of the law he shall file with the court having jurisdiction a complaint asking that the offender be bound over to the next grand jury of the county.

LORIAN P. JEFFERSON

Health, Maryland Board of: By an act of the legislature approved on April 30, 1910, the State Board of Health of the state of Maryland was authorized to establish and maintain five bureaus; a Bureau of Communicable Diseases, a Bureau of Bacteriology, a Bureau of Chemistry, a Bureau of Sanitary Engineering, and a Bureau of Vital Statistics.

The Bureau of Communicable Diseases is instituted for the purpose of securing information regarding those diseases, considering their prevalence and causes, and devising means for their control, investigating epidemics and nuisances and providing methods for their eradication. A monthly bulletin is to be issued by this bureau to report to local health officers the results of the investigations of the Bureau.

The Bureau of Bacteriology will conduct inquiries into the nature and causes, sources and vehicles of infectious diseases; maintain under the direction of the State Board of Health, a laboratory wherein to carry on the work of the Bureau. The services of this bureau are to be free to the local boards of health and to practicing physicians of the state, in all matters pertaining to these diseases, and to the vaccine agent of the State for testing vaccine virus. In this laboratory public and private water supplies, milk, and other foods will be examined free of charge.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The duties of the Bureau of Chemistry naturally somewhat overlap those of the Bureau of Bacteriology, but in addition to examination of supplies of water, and milk, this bureau will also examine into the nature and character of sewage, and trades wastes. Free of cost it will test water, milk, spices, drugs, confections, drinks, and food supplies of all sorts.

The Bureau of Sanitary Engineering will examine into the sources of both public and private water supplies, and prepare maps and drawings of the same for permanent record. Under the guidance of this bureau watersheds and catch basins will be patrolled as far as possible, and all sources of pollution reported to the State Board of Health.

Under the direction of the Bureau of Vital Statistics a register of all births and deaths shall be kept and published from time to time in whatever form the State Board of Health may decide to be the most serviceable.

That part of the bill which appropriated twenty thousand dollars for carrying it into effect was approved by the governor only to the extent of ten thousand dollars. LORIAN P. JEFFERSON.

Motor Vehicles. Maryland has recently enacted a new automobile law which became effective July 1. It provides for the appointment by the Governor of a Commissioner of Motor Vehicles, whose duty it is to grant licenses and see to the enforcement of the law. Prior to the passage of this law, there was no annual license, but simply a registration for which there was a small fee. Under the new law there must be annual registration and the amount of the license is based on the horsepower of the motor vehicle. The annual fees are: $6 for twenty horsepower or less; $12 for more than twenty and not more than forty horsepower; and $18 for over forty. The fee is only $3 for motor vehicles used for the transportation of merchandise only.

The law requires that the number plate on the rear be fastened so as not to swing. The provision in regard to speed is somewhat elastic, as the speed must be reasonable, having regard to the width, traffic, and use of the highway, so as not to endanger the property or life or limb of any person. If the speed exceeds 12 miles per hour in the thickly settled or business parts of cities and towns, 18 miles in the outlying parts, or 25 miles in the open country outside of the limits of cities or towns, it is prima facie evidence that the speed is unreasonable and the burden of proof is placed upon the operator. The law contains provisions as to lights, brakes, signals, rules of the road, etc.

H. E. F.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Old Age Pensions. Following close upon the report made by the Massachusetts Commission on old-age pensions, annuities and insurance, the New Jersey Legislature passed a resolution for the appointment of a Commission of five representative men to investigate and report to the Governor the draft of a bill providing a plan for Industrial Old-age Pensions, for consideration and action by the next General Assembly of the State. It is stated in the preamble of the resolution that it should be the duty of the State to prevent and, as far as possible, to modify the deplorable condition of those who are powerless and helpless on account of age. "The so-called civilized industrialism of our day can be subject to no stronger criticism that the charge fortified by universal experience that the men and women whose productive energy have contributed so much to our wealth, progress and development, leading simple, inexpensive lives, become in their declining years powerless, principally because they are penniless."

Evidently the legislation of other countries is beginning to arouse interest in the subject of old-age pensions.

H. E. F.

Public Utilities. Five states now provide for state commissions for the control of public service corporations. Massachusetts and New York were the pioneers by establishing commissions for the control of gas and electric public service corporations, Massachusetts in 1885, New York in 1905. In 1907, New York and Wisconsin took a long step and provided for the control by one commission of practically all public service corporations. In each case they were placed under the same control as common carriers.

The model laws of these states and their efficient workings seemed to presage an era of public utility control by state commissions. Nearly every legislature in 1909 considered bills modeled on these laws. The governors of many of the leading states gave strong recommendations for such commissions, but the net result of the sessions of 1909 was practically nothing. Many states seemed to prefer to await the further development of this system of control in New York and Wisconsin. The bitterest fights took place in Connecticut and New Jersey. In the former state a special commission made a valuable report on the subject, but the bill was defeated by a narrow margin. In the latter state, a determined effort was made by Governor Fort for a state law both in 1908 and 1909, but his efforts were without result during those years. The legislature of New York in 1909 after defeating in two sessions the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

proposal of Governor Hughes to put telegraph and telephone companies under the commissions, provided for a special commission to report on the subject to the session of 1910.

At the beginning of 1910, therefore, little had resulted from the example of New York and Wisconsin except the widespread discussion and agitation. Two states adopted the plan in 1910, New Jersey and Maryland, while New York extended the control of the up state commission over telephone and telegraph companies, and otherwise strengthened the powers of the commissions. The issue will be prominently before many states this winter including Ohio, Connecticut, Indiana, Illinois, California and Kansas.

The New Jersey law has been outlined for the Review.[1] It gives power to regulate service but not rates although it may investigate rates and report. It provides fairly effective means to regulate the issue of stocks and bonds. It is probable however, that without amendment the commission cannot effectively regulate public service corporations.

Maryland. The Maryland law is comprehensive and embodies the best features of the New York and Wisconsin laws. It gives extensive powers to the commission and is, in general, clear in its provisions.

The commission is organized with three commissioners appointed by the governor at a salary of $3000 from the state and an additional sum of $3000 to the chairman and $2000 to the other commissioners to be paid by the city of Baltimore in view of the extensive work which the control of public utilities in that city will entail. The governor appoints the general counsel of the commission who also receives a part of his salary from the city of Baltimore. Any commissioner or the general counsel may be removed by the governor after a hearing for inefficiency, neglect of duty or misconduct in office. No one holding an official relation with a public utility may be appointed to any position with the commission.

The jurisdiction of the commission extends over all common carriers, street railroads (in cities of not less than 2000 population) gas and electric corporations supplying heat, light or power, telephone and telegraph companies, water companies, all services in connection with the transportation of property or freight and to heating and refrigerating companies.

Public service corporations are required to furnish "such service and

[1] See Pol. Sci. Review, May 1910. Vol. iv, p. 240.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

facilities as shall be safe and adequate and in all respects reasonable. All charges shall be just and reasonable and not more than allowed by law or the order of the commission." Powers similar to those granted in Wisconsin and New York are given to investigate rates and service either on its own motion or on complaint. When a complaint is made the commission is required to serve notice upon the person or corporation complained of setting forth the charges. If the charges are not satisfied the commission is required to investigate the complaint. After investigation the commission may order such changes as may be deemed necessary to make the service or rates reasonable and just.

The commission is given power to prescribe uniform systems of accounts for each class of utilities which, when prescribed by the commission, must be followed. The system of accounts for common carriers prescribed by the interstate commerce commission is the model fixed for such utilities. This is similar to the New York law. The Wisconsin law goes farther and requires a system of uniform accounts and outlines the basic parts of the system.

Extensive power is given to the commission over the exercise of franchises or privileges and the issue of stocks and bonds. No railroad or street railroad may begin the construction of any tracks or extensions under any franchise or law without the permission of the commission after a hearing to determine whether it is necessary or convenient for the public service. No franchise may be assigned, transferred or leased or any contract or agreement made with reference to it without the approval of the commission.

The merger of railroads and street railroads is prevented by provisions against the purchase by one corporation of more than ten per cent of the stock of any other common carrier.

Similar power concerning the approval of incorporation and certification of franchises, consolidation, lease and transfer of franchises, apply also to all other public utilities under the control of the commission. All issues of stocks and bonds of any public service corporations must be approved by the commission. The commission determines whether such issue is reasonably required for the purposes of the corporation.

It is made unlawful to value the franchises held by public utilities at a price higher than the amount, exclusive of any tax or annual charge, actually paid by the utility to the public for the franchise. Stocks and bonds of consolidated corporations may not be issued in excess of the amount of the consolidating companies.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Broad powers are granted for the physical valuation of public utilities. The commission may undertake such valuation at its pleasure and do all things necessary to ascertain the fair valuation of property of any public service corporation, used by it for the convenience of the public. Reports of valuation must be made to the legislature and thereafter the commission is required to keep informed of extensions and improvements and the general condition of the property. Special duties are put upon corporations in furnishing aid and information to the commission.

The valuation must show the amount of property in each county or municipal corporation in the state. It is required that the valuation shall be made as far as possible so that it will not disturb the value of stocks and bonds of prior issue.

The law wisely adopted the Wisconsin method for procedure in the courts. Actions may be commenced in the courts to set aside any order of the commission as unreasonable within sixty days thereafter. The commission is given twenty days to make answer. Precedence is given over all other civil cases.

If on the trial any new evidence is presented which was not presented to the commission, the court is required to transmit the new evidence to the commission and stay further proceedings. The commission may change its order conformably to the new evidence or let the original order stand.

The value of this provision in preventing delays and in maintaining the credit of the commission is obvious. Complainants are induced to lay their whole case before the commission in the first instance. It has been a favorite method in cases of railroad commissions and the interstate commerce commission to attempt to discredit the orders of the commission by withholding important evidence until the case is brought into court. The commission's orders being overruled by the new evidence, has caused the loss of public confidence in the work of the commission. This provision is an effective remedy.

The commission prescribes the form of the annual reports. For common carriers this must conform to the reports required by the interstate commerce commission. Rather wide inquisitorial powers are given to the commission in the matter of annual reports.

In the case of gas and electric companies, the items required in the reports are set out in the law. These relate to intimate facts of the business of the concern.

Aside from the general duties of furnishing reasonably adequate ser-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

vice at a just and reasonable price, certain specific duties are placed on the different classes of public utilities. Common carriers must file rate schedules and may not change such schedules except after thirty days' notice. Unjust discrimination, free passes or transportation, false billing and discriminations between carriers are prohibited.

Carriers must make switch and side track connections; provide for the interchange of traffic; and provide sufficient cars and distribute them equitably. The law adopts the old clause of the interstate commerce law which was changed in 1910 relating to the long and short haul. The commission is given power to relieve carriers from the terms of this provision. All accidents resulting in loss of life or property must be reported to the commission and the commission must investigate the causes and circumstances.

With respect to gas and electric corporations, the same requirements hold so far as applicable. The commission may fix standards of illuminating power and purity of gas, and provide for the testing of meters. No meter may be installed which is not approved by the commission. Any meter must be inspected by the commission on complaint and if found to the prejudice of the consumer the corporation is compelled to install a proper meter, and pay the cost. If not so found the complainant pays the costs.

The commission's specific powers are given broad scope by the implied powers which are granted. After outlining the jurisdiction of the commission the law declares, "And to such other and further extent and to all such other and additional matters and things and in such further respects as may herein appear either expressly or impliedly."

The commission under the Maryland law does not lack for power. As in the case of the New York and Wisconsin laws, certain defects of wording may be found after experience, but embodying as it does the substance and wording of the laws of those two states after corrective amendments had been made, it should be reasonably effective in its provisions.

New York. The public service commission law passed in 1907 showed after experience certain defects from an administrative point of view. Certain provisions were not clear and in many cases the commissions were hampered by not having a clear specific grant of powers. In other cases the operation of the law showed the necessity of further grants of power.

The law of 1910, Chapter 480, revised the law to accomplish these ends and in certain cases to give additional powers.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Most of the changes were made in the sections covering gas and electric lighting corporations and street railroads. The provisions regarding "safe and adequate service, just and reasonable charges, discriminations and preferences," which were already in the law affecting common carriers were extended to gas and electric companies. The power to fix rates and require information was more explicitly stated. Schedules of rates are also required to be kept on file for public inspection and may not be changed except on thirty days' notice. The commission was given power to ascertain the proper portion of expenses, capitalization earnings and debts in the case of corporations having an interest but no direct connection with a subsidiary business not under the control of the commission.

New provisions were added in regard to the establishment of through routes and interchange of traffic and the law extended to cover street railroads. Transfers by street railroad companies are regulated by the act and the commission is given powers of investigation and determination. The interchange of transfers by street railway companies is required except in the cases of rapid transit lines with surface lines.

The law putting telegraph and telephone companies under the control of the commission of the second district was passed in 1910 after repeated attempts since the original law was enacted in 1907. The law applies the same provisions in the same general terms to telegraphs and and telephones which had been applied to other public utilities. They are required to give safe and adequate service at a just and reasonable price and discriminations and unjust preferences are prohibited. Rate schedules including joint rates must be filed for public inspection and no change may be made except after thirty days' notice to the commission. No free service is permitted. The commission is given power to make investigations, require reports, establish uniform accounts and to keep informed of the business of the companies and fix rates and standards of service in like manner as in the case of other public utilities. Companies having continuous lines may be required by the commission to establish through service when suitable connections may be made. The provisions of the public utilities law relating to approval of issues of stocks and bonds, exercise or transfer of franchise and summary proceedings by the commission are granted over telegraph and telephone companies.

JOHN A. LAPP.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Short Ballot Movement, Progress of. During the past year the so-called "Short Ballot" movement, which aims to simplify State and local government by a reduction in the number of elective officers, has been widely recognized and discussed in all parts of the country, and has secured powerful support in a number of states. Except in the field of city government no constitutional or statutory changes embodying the short ballot principle have as yet been secured; but the stage which the movement has already reached in several States makes it probable that within the near future a substantial beginning in this direction will have been accomplished.

In New York State Governor Hughes, in his annual message of January, 1910, renewed his recommendation, made in his inaugural address in 1909, that the executive power of the State be concentrated in the governor. To this end he urged an amendment of the constitution providing that the present elective State officers, the Secretary of State, comptroller, attorney-general, State treasurer and State engineer and surveyor, be made appointive and removable by the governor, and added: "I am in favor of as few elective officers as may be consistent with proper accountability to the people and a short ballot." Soon after this the direct primaries investigating committee, appointed in 1909, brought in its report advising against the adoption of direct nominations and recommending the short ballot as an alternative remedy for many of the abuses in the government of the State which had been most severely criticised by Governor Hughes. Following these recommendations, a resolution was introduced by Assemblyman Dana amending the constitution to provide that the five officers above mentioned, with the exception of the comptroller, should be appointed by the governor by and with the advice and consent of the senate. The comptroller was left elective as at present. This resolution came to a vote in the assembly and, although defeated, was voted for by twenty-six members including the speaker. Certain features of the amendment which it proposed were criticised by the New York Short Ballot Organization, and accordingly, later in the session, at the request of this organization, another resolution was introduced by Senator Travis. This latter resolution provided for the appointment of all the present elective State officers (except the lieutenant-governor) by the governor alone, without the concurrence of the senate, but gave to the comptroller a protected tenure of office during good behavior. It was referred to the committee on judiciary and there remained until the end of the session.

During the campaign last fall Mr. Stimson, the Republican candidate

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

for governor, came out strongly in favor of the short ballot, and advocated it in a number of his speeches. Mr. Dix, the present governor, however, is understood to be opposed to the principle.

In Oregon the group of reformers, headed by Mr. W. S. U'Ren, who had been instrumental in securing the adoption of the Australian ballot, the direct primary, and the initiative, referendum and recall, came forward with the proposal for a series of amendments to the State constitution embodying a very complete application of the short ballot principle. As these amendments were described in detail by Prof. W. F. Dodd in a note published in this department in the May number of the REVIEW, it will not be necessary to enumerate them here. None of the amendments which related to the shortening of the ballot was submitted at the election last November, but an active propaganda in their behalf is being carried forward, and their proposers hope before long to secure their adoption. In the pamphlet in which these amendments were circulated among the voters of the State a large part of the article on "The Short Ballot" by Mr. Richard S. Childs, Secretary of the national Short Ballot Organization, which was printed in the *Outlook* in 1909, was reprinted as an argument in favor of the proposed changes.

In New Jersey, Governor Fort expressed himself on several occasions as in favor of the short ballot, and on February 4, 1910, at a conference attended by the mayors of seventy cities of the State, urged that all elective officers except the governor and members of the legislature, the mayors and councils of cities and the boards of chosen free-holders of counties, be made appointive. New Jersey already has a comparatively short ballot, so far as the State government is concerned, but Governor Fort's proposal would have the effect of rendering appointive a considerable number of local officers now elective by the people. The present Governor of the State, Woodrow Wilson, has been preaching the short ballot doctrine for years and is now President of the National Short Ballot Organization.

In Ohio Ex-Secretary Garfield sought the Republican nomination for governor on a platform one of the planks of which demanded the adoption of the short ballot. At the election in November the question "shall there be a convention to revise or amend the constitution," was decided in the affirmative by an overwhelming majority. There will soon be a chance, therefore, to shorten the present unwieldy ballot, most of the offices on which are made elective by the constitution of 1851. The Municipal Association of Cleveland urged the voters of the State to vote in favor of a constitutional convention for the express purpose of secur-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ing a reduction in the number of elective offices, and proposed that the State adopt the federal plan, giving to the governor the power to appoint the heads of the state administrative departments just as the President of the United States appoints his cabinet. The suggestion has also been made that the consittution impose on future legislatures the requirement that, in planning local governments, not more than five elective offices shall be allowed to appear on any single ballot.

In South Dakota Governor Vessey, in his campaign for reëlection, used short ballot arguments in opposing the plan (put forward by his opponents as a means of regulating the disposal of the governor's patronage), to make the warden of the State prison, the keeper of the State insane asylum and all other State officers elective by party vote. Fortunately this absurd proposal was not adopted.

In Washington Governor Hay has advocated the short ballot principle, and urged last fall its adoption as a plank in the Republican platform.

In Pennsylvania, where, only the year before, a constitutional amendment designed to make election officers appointive instead of elective had been defeated, the Keystone party, including many of the men who had previously opposed this amendment, adopted the short ballot as one of the planks in its platform. The progressive Republicans of Iowa and California did the same, and in the latter state Hiram Johnson, the successful candidate for governor, made the short ballot principle a feature of his personal campaign.

The following extract from a letter of Mr. C. H. Rowell, President of the Lincoln-RooseveltLeague of California and a leader of the progressive movement, to the secretary of the National Short Ballot Organization, shows that the Progressives, having won control of the State government, now propose to put the short ballot plank in their platform into effect:

"We have received a letter from your Organization suggesting the formation of a Short Ballot Organization in California, and asking me whether I would take up the matter. So far as immediate work for the next session is concerned, that is already so far advanced on other lines that I presume more results could be obtained by proceeding for the present as we are doing than by beginning over again with a Statewide popular organization of the Short Ballot advocates. The first specific plank in the Republican platform was a pledge to enact a Short Ballot law and the State Central Committee has appointed a sub-committee on election laws, which is instructed among other things to prepare, for presentation to the legislature, a bill for Short Ballot reform. . . .

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

There is also a committee on State and county government. . . . This committee will present a county government bill, which will provide for the Short Ballot in counties, and doubtless also a bill providing for the easier adoption of the commission plan of government in cities. The general committee will, I think, present a somewhat radical bill greatly curtailing the ballot in State elections.

So you see the present prospects are that the purposes of a Short Ballot Organization in California will have been accomplished before such an organization could be formed. However, if there should still remain anything else to do after the legislatiure adjourns in March, we should by all means take up the question of such an organization then.

The early approach of a realization of the ideas of the Short Ballot Organization in California is very largely due to your work, in spite of the fact that there has been no formal organization of it in this State. A number of us have been advocating the Short Ballot idea for some time as a remote and academic possibility, but the work of your organization in popularizing the idea has made it possible to treat it now as an immediate concrete possibility."

The committees above mentioned have prepared bills shortening the ballot for State and county officers respectively, and, before this goes to press, will probably have submitted them to the legislature.

At the conference of Governors, held at Louisville about the end of November, the short ballot was one of the topics chosen for discussion. The set speakers were Governor John Burke of North Dakota and Governor Herbert S. Hadley of Missouri.

The movement for a shorter ballot in cities has progressed even more rapidly than in the case of State and county government, and, as is well known, one of the forms of short ballot city government, the commission form, has already been adopted by over one hundred cities in all parts of the country.

While some of the steps above described in the direction of a shorter ballot—notably the commission government movement—would undoubtedly have been taken in any case, much of the recent activity in this direction is directly traceable to the work of the National Short Ballot Organization. This organization was formed in the spring and summer of 1909 by a little group of men who met at the City Club in New York City. Before beginning any active propaganda they corresponded with a number of persons in other parts of the country and secured their approval of the movement. A little later a regular organization was formed with Woodrow Wilson as president and Richard S.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Childs as secretary. Copies of Mr. Child's article in the *Outlook*, and of other pamphlets and leaflets, were sent to selected lists of persons, and each of these persons was asked, in case he approved the principle of the short ballot, to sign and return an enclosed card. At the time of the first annual banquet of the organization, held at Hotel Astor, New York City, on January 21st, 1910, only about three hundred persons had written to the secretary and enrolled themselves as short ballot advocates. At present writing the number of short ballot advocates in all parts of the country is nearly eleven thousand.

In April, 1910, after several hundred short ballot advocates had been secured in New York State, the New York Short Ballot Organization was formed. The purpose of the national organization is purely educational, and it does not attempt to suggest how the short ballot principle may best be applied in any particular State, county or city. The purpose of the New York State organization, on the other hand, and of the other State organizations which, it is hoped, will soon be formed, is to study local conditions, devise applications of the short ballot principle to meet these conditions and procure the adoption of statutory and constitutional amendments. Representatives of the national organization visited Ohio last summer with a view to the formation of an Ohio short ballot organization, and steps in this direction have also been taken in California, as shown by the letter above quoted.

The reforms sought to be secured by the National and State Short Ballot Organizations are far-reaching and fundamental, and it will undoubtedly be some time before any complete accomplishment of these reforms can be hoped for. As is shown by the record above outlined, however, the increase of popular understanding of the principle of the short ballot, and of popular support for the movement, has been extremely encouraging, and a substantial beginning in the way of constitutional amendment and legislation may be expected at no very distant day. The phrase "short ballot" is already familiar in all parts of the country, and is constantly referred to as denoting one of the principal issues in current American politics. ARTHUR LUDINGTON.

Tax Legislation of 1910. During the past year, regular legislative sessions have been held in Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, Ohio, Rhode Island, South Carolina and Virginia. Extraordinary sessions were held in Illinois, Montana, New York, Oklahoma and Texas. The Montana session lasted but a day, and was called merely to pass some appropria

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tion acts. The Texas session was summoned merely to amend the fire insurance law, and it was not expected that other legislation would result. An account of the session in Texas is not accessible at this writing, nor are reports of the legislation in Louisiana, Georgia, or South Carolina. The examination of the laws passed by the other States, however, is sufficient to make plain how diverse are the legislative activities, and how varied the views on the subject of taxation.

It is rather difficult to determine at present whether or not the Federal Income Tax amendment is meeting with favor. On the whole, the tendency is averse to its adoption. In New York and Massachusetts this year a resolution in its favor met defeat in one house after passing the other. Only in Georgia, Kentucky, Maryland, Oklahoma, Illinois, South Carolina and Mississippi was the amendment formally approved. With Alabama, which unanimously passed a resolution in favor of the amendment, a year ago, there are now eight States which have given their votes for the proposition. This is not many, in comparison with the thirty-six which must approve before the Amendment becomes incorporated into the Constitution.

Massachusetts was no more willing to liberalize its State constitution on the subject of taxation than it was to vest the Federal government with the power of levying an income tax. The legislature defeated this year a proposition for an amendment which would permit a classification of property for the purposes of taxation. The plan was suggested a year ago, when the Supreme Court of that State had declared unconstitutional the so-called "three-mill tax" which had been proposed by the able tax commission of 1907 as a partial solution of the difficulties of the personal property tax. The legislature of 1909 adopted the amendment. By the terms of the Massachusetts constitution, the proposition must again come before the next succeeding legislature, before it can be submitted to the people. The legislature of this year was chiefly induced to reject the amendment by the report of a special tax commission of three members, which characterized the amendment as liable to open the way to discrimination and injustice.

As might be expected, New York leads in the number of tax laws passed this year. The most important of these laws is the amendment to the inheritance tax, which passed at the special session in July, after the governor had vetoed the measure adopted at the regular session. The law which has been superseded based the tax on the size of the estate, and divided inheritors into two classes—direct heirs, who were taxed 1 per cent on the whole when the amount of the inheritance passing to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

this class was $10,000 or more; collaterals and strangers, who were taxed 5 per cent when the amount of the inheritance exceeded five hundred dollars. The new law fixes the tax by the amount of each individual inheritance. The rates and exemptions are as follows: parents, widows and minor children are exempt on $5,000 of their portion, are taxed 1 per cent on the remainder up to $25,000, 2 per cent on the excess over $25,000 and up to $100,000, 3 per cent on the excess over $100,000 and up to $500,000, 4 per cent on the excess over $500,000 and up to a million dollars, and 5 per cent on the rest of their portion. Adult children, brothers, sisters, sons' wives or widows, daughters' husbands, adopted children, and lineal descendants are subject to the same rates except that the exempt part of their portion is but $500 each. All other inheritors (except religious, educational and charitable institutions which are exempt entirely) are exempt $100 on each legacy, and taxed five times the corresponding rates applicable to the other class on the remainder, so that a stranger receiving a legacy of two million dollars would pay twenty five per cent on one million dollars of the amount. As in the old law the tax applies to most property of non-residents, including shares in New York corporations, even though the evidences of ownership are outside the State. There is no such admirable reciprocal clause as Connecticut, Vermont, Maine, and a few other jurisdictions have adopted, for the prevention of double taxation by different sovereignties.

Other changes in the tax laws of New York permit the owner of a single bond secured by a mortgage of land in the State which was recorded prior to the mortgage recording act, to secure exemption from taxation of the bond as personal property by paying the mortgage recording tax fee of five mills on each dollar of the bond. Hitherto the exemption could only be secured by the payment of the tax on all the outstanding bonds in an issue, and such payment was practically impossible. The exemption of automobiles from taxation as personal property is one of the important features of the revised automobile law. The minimum corporation organization fee has been increased to five dollars.

The governor vetoed what would have been a vicious act: a measure granting permission to omit from the tax-roll land scheduled as of "no value."

By creating a permanent tax commission, Ohio has this year joined in a movement, inaugurated a few years ago by some of its neighboring States, which has won the general support of both practical men and theorists. By centralizing their tax systems, Minnesota, Wisconsin, Michigan, and West Virginia, to select a few examples from many

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

which might be quoted, have increased the revenue at the same time that they have equalized the burden. The Ohio law is most elaborate in its provisions and seems to embody the most effective terms of the acts which serve as its model. The commission has three members, appointed by the governor, and removable for cause, serving for somewhat extended terms of office, and granted salaries commensurate with their responsibilities. The commission is vested with the power of valuing railroads and other public utility companies and of apportioning the value for local taxation, while it estimates also the gross receipts taxes due to the State from these corporations. The supervisory powers over local taxation are liberal but minute. The commission may permit local boards to correct errors, may remit illegal local taxes, may increase or decrease by a percentage the valuations in any locality, may order re-assessments by its own agents of all the property in a given locality, and may lower or increase the valuation of any real estate or personal property. The usual powers of summoning witnesses and compelling the production of papers and other evidence are of course specified in the law.

That Ohio expects an increase in the valuation of property for taxation, and that the State wishes to obviate the evils of increased expenditures which under such circumstances resulted in Michigan and elsewhere, is shown by a law limiting the tax rates, which follows the model of the West Virginia act of four years ago. In any one district, the rate is not to exceed ten mills on a dollar (ten cents on a hundred dollars) for all purposes, unless that amount does not yield a revenue equal to the aggregate raised in 1909, plus a 6 per cent increase for 1910, 9 per cent in 1912, and 12 per cent thereafter. The debt limit is fixed at $2\frac{1}{2}$ per cent.

Oklahoma has three noteworthy tax acts. The most novel of these classifies railroads in accordance with the percentage of operating expenses to gross receipts, and requires a State tax varying from .01225 to .016875 on valuations and a county tax of from .004625 to .0375, according as this percentage ranges from less than 60 per cent up to 90 per cent. Side tracks, depots, and similar property are to be locally taxed like privately owned real estate. The same State changes in some particulars the State gross receipts taxes on public service, mining and oil-producing companies. The third measure imposes a license tax on all private business corporations except insurance and banking companies, amounting to fifty cents per $1000 of capital for domestic corporations and one dollar per $1000 for that proportion of the capital of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

foreign corporations which is employed in Oklahoma except in a business paying income or gross receipts taxes on its own account.

Virginia changes the basis of State taxes on telephone companies from a rate by the instrument to a rate depending on gross receipts. Companies with receipts less than $50,000, with less than 400 miles of wire, and with stock independently owned, pay 1 per cent of their gross receipts; other companies pay 1 per cent on receipts up to $50,000 and 2 per cent on the excess, and two dollars per mile of line in the State. The rate of taxation on insurance companies is raised (with some exceptions) from $1\frac{1}{4}$ per cent to $1\frac{3}{4}$ per cent for fire, marine and accident companies, and from 1 per cent to $1\frac{4}{10}$ per cent for life, health and livestock companies. The rate on express companies is put at six dollars a mile for all mileage within the State, instead of flat rates ranging from $250 to $2750. Water, gas, electric heat, light and power companies are all made subject to a gross receipts tax of 1 per cent.

Virginia is the only State this year to appoint a special tax commission for the examination of the existing tax system, although in Maryland, Pennsylvania, Rhode Island, and Illinois commissions created by the legislatures of 1909 have been at work during the year. The commission is composed of the governor, speaker, president of the senate, chairmen of finance committees of both houses, chairman of the State finance commission, and an expert, who is appointed by the others, and is the only salaried official. The commission is instructed particularly to investigate the segregation of State from local taxation,—a reform along whose road Virginia has already journeyed further than most of the Southern States. Doubtless the commission will make many valuable suggestions as commissions in other States have done, and the legislature, in the usual way, will disregard the chief recommendations, and alter the others into unrecognizable shape.

Two changes in the Massachusetts corporation taxes are simple, but are the result of the efforts of reformers for several years. One distributes the State tax on resident shares to the community where the industry is located, if in the State, instead of to the home community of the share-holder. The rich residential cities have for many years drained from the State a stipend which was ultimately contributed by the factory cities. The other enactment requires trust companies to pay taxes on personal property of which they are trustees, not at the low savings-bank rate of tax, but at the average rate of property taxation throughout the State. The discriminations of the previous system are obvious.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

It is regretable that the only changes this year in the much-maligned general property tax are but matters of detail and administration. Massachusetts permits its tax commissioner to recommend a revision of the taxed valuation of undervalued property, which is to become operative if accepted by the local officials, but is subject to court revision. The same State permits the State to reimburse municipalities for the loss of taxes by the occupation of land by public institutions—a step whose wisdom is doubtful, since it is another case of the payment of State rebates to certain favored localities. Maryland provides for an entire revaluation of the taxable property of the State except in two counties and the city of Baltimore. Virginia requires separate valuations of timber owned otherwise than by the owner of the land. New Jersey taxes land used for the protection of a water supply at its value irrespective of buildings and improvements. Mississippi exempts from taxation for five years from the time of their construction all permanent factories located within its borders.

After examining the mass of legislation which was put forth by the comparative few legislatures which met this year, and after noting how few of the acts on the subject of taxation show any real attempt to grapple with the difficult problems of the method of obtaining revenue, one is more than ever convinced of a lack of well-educated public opinion and of the need of conferences such as that of the International Tax Association to formulate and direct the needed reforms.

CLEMENT F. ROBINSON.

Weights and Measures. While those, who are interested in forecasting to some degree the principal subjects to be considered in the various State legislatures which will meet in 1911, are expecting action in many of the States, particularly Indiana, Massachusetts, Pennsylvania and Texas, on the question of weights and measures, a bill is already pending before the United States Congress, known as the "Net Weight and Net Measure Bill." This bill, if it becomes a law, will provide for the marking or labeling of food containers, by manufacturers or persons offering the same for sale, so as to show the net weight or net measure of the contents thereof, according to the United States standards of uniform weights and measures.

The United States bureau of standards, which has been largely instrumental in keeping the matter of weights and measures agitated, in calling the first conference on the weights and measures of the United States, gave as the purposes of such a meeting, "to bring about uniformity

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in the State laws and to effect a close coöperation between the State inspection services and the national bureau of standards." These conferences, to which have come, as delegates from various parts of the country, men directly and indirectly interested in the subject, have been held annually in Washington since 1905. In addition to collecting and disseminating information, these conferences have formulated definite recommendations for federal legislation and suggestions for state action.

Incidentally it is interesting to note how the question of honest weights and measures has been emphasized in the recent discussions and investigations on the broader question of cost of living. The recommendations of the Massachusetts commission on the cost of living embodied in its report, May, 1910, include the following: "The enactment of a law requiring that packages containing food products shall bear a label stating distinctly the amount of the net contents in units of weight, measure or commercial count"; and, in Ohio, in its report made April 15, 1910, the joint committee to investigate high food prices, in making its recommendations, urged that, "Laws should be enacted to prevent the robbing of the people by use of short weights and measures."

The standards of weights and measures law of New York, as amended in 1910, is perhaps the best example of an efficient weights and measures law embodying as it does so many essential features. It provides for complete conformity to the weights, measures, balances and other apparatus established as standards now or which may be so established in the future by the United States government, with a further provision that any standard added by the State department of weights and measures shall be verified by the national bureau of standards. Units of length and surface, weight, capacity, bottles, and jars for milk, heap measure, measure for bran, number of pounds to the bushel, barrels of apples, quinces, pears and potatoes, are fixed, and provisions are made for standard casks for flour or meal, barrels for beef and pork, bales for hops and hay, cans and jars for canned goods, etc., etc., and markings of the same.

The system of inspection of standards of weights and measures extends from the State superintendent down through county and city sealers. The State superintendent has charge of the State standards of weights and measures which he shall submit once in ten years to the national bureau of standards. He has supervision over the standards of cities and counties, which he shall inspect at least once in two years and which, once in five years, shall be compared with the State standards in his

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

keeping. Any citizen, firm, corporation or educational institution of the State may call upon the superintendent of weights and measures to test any weights or measures used as standards in the State. It is his duty to test at least once annually all scales, weights and measures used in institutions under the jurisdiction of the fiscal supervisor of State charities and, further, at the request of said officer, to appoint one or more employes of any of such institutions to check the receipt and disbursement of supplies.

The county sealers are appointed by the boards of supervisors. The county sealer's duties of inspection and supervision of standards of weights and measures are similar in his province to those of the State superintendent in his. In addition to making an annual report to the board of supervisors, each county sealer makes an annual report to the State superintendent of weights and measures.

City sealers are appointed by the mayor with the approval of the common council. They perform in their cities the duties of and have like powers as county sealers in counties. The provision for city sealers, however, does not apply to New York City.

Both county and city sealers are salaried officers, the board of supervisors to determine the salary in the case of the county sealer, and the board or body authorized to determine salaries of city officials, to determine the salary in the case of city sealer.

ETHEL CLELAND.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CURRENT MUNICIPAL AFFAIRS

WILLIAM BENNETT MUNRO

A movement for the creation of the Metropolitan Boston has gained considerable headway during the past year. Municipal Boston, as the recent census returns showed, contains a population of 670,585; but the municipalities located around the city contain among them a population of 1,423,429. In this outer area there are in all thirty-nine cities and towns each one of which is, however, within a radius of twelve or fifteen miles from the center of Boston itself. The area of the proposed Metropolitan Boston would be 417 square miles, whereas the present area of New York is 327 square miles. The movement was inaugurated by the Boston Chamber of Commerce, but it was quickly taken up by business bodies in the surrounding communities and the fulfilment of the project has been strongly recommended to the Legislature by Governor Foss in his inaugural address. It is not proposed that these outlying municipalities should be annexed to Boston but rather that there should be created, for the whole district, a municipal federation. The organ of this federation would be a large council which would have various general powers, some of them final but most of them merely advisory. Each municipality within the federation would retain for the most part its present local powers. All the details of the scheme have not yet been fully worked out, but the matter is engaging the attention of the Legislature, and it is not unlikely that some definite action will be taken during its present session.

The Municipal Association of Cleveland has secured the consent of a number of prominent citizens to give addresses before church clubs, improvement associations, and other organizations, on subjects relating to municipal government and administration. The addresses are to be delivered without charge and will be illustrated, the slides being provided by the Association, through arrangements which it has made with a stereopticon company. The Association has issued a pamphlet giving the names of forty-eight subscribers who have consented to share in this form of public service.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Intercollegiate Civic League, which is a federation of the political clubs, municipal government clubs, and similar organizations in a score or more of American colleges, has published a bulletin containing brief lists of references on present day political problems, particularly those connected with municipal affairs. The Secretary of the League is Mr. E. M. Sait of Columbia University.

An interesting article on "Düsseldorf: A Study in City Planning and Government," by Frederick C. Howe, appeared in the December number of *Hampton's Magazine.*

Prof. Albert Bushnell Hart of Harvard University has been chosen chairman of the Executive Committee of the National Municipal League in succession to Mr. Horace E. Deming of New York.

A new edition of Léon Morgand's *La Loi Municipale* has been issued from the press of Messrs. Berger-Levrault et Cie, of Paris. This is the eighth edition of the well-known treatise on the municipal code of the French Republic. Mention should also be made of an important new book on *L'Organisation Municipale de Paris*, by E. Maître (Paris, Rousset, 1910). A work on *Gemeindefinanzen* by O. Most has come from the press of Duncker und Humblot at Leipsic. The same publishers have issued Prof. Josef Redlich's short study entitled *Das Wesen der österreichischen Kommunalverfassung.*

The Kansas City Charter of 1908 provides that all positions in the municipal services, with the exception of a small exempt list, shall be filled by competitive examination. This requirement was made applicable to those in office at the time the charter provision went into effect, thus giving outsiders an opportunity to compete for any civil service position. The charge against the civil service that it is academic, theoretical and impractical is met in Kansas City by placing the examinations under the supervision of committees, made up of prominent citizens—bankers, manufacturers, railroad superintendents, etc. These committees draft the questions and grade the personal qualifications of the candidates; for a part of each examination consists of an oral quiz on training, experience, and general knowledge. Since April the Commission has examined some 1200 applicants and created about 100 eligible lists. The new system has made many firm adherents among the best citizens of the city.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Chicago Civil Service Commission has issued a Civil Service Text Book, the purposes of which, as stated by the Commission in the foreword, are (1) "to dispel the mistaken idea that examinations consist of academic tests"; (2) to enlighten the public in the methods and procedure of civil service administration; and (3) to furnish useful information to prospective applicants. The book contains statements of methods of procedure, standards of examinations, medical and physical tests, types and examples of examinations, and other information of a like nature.

The voters of Detroit at the last election adopted over the heads of the council an amendment to the city charter providing for the inauguration of civil service rules. The new Michigan constitution permits municipal home rule. Under the general municipal incorporation acts, passed by the legislature in pursuance of the constitutional provision, a civil service amendment was submitted to the city council. The council having refused to allow the amendment to go before the people in its original form, a petition of twenty per cent of the total vote cast at the last election for all candidates for mayor, was secured, to force the referendum of the measure. The result of the vote was 19,130 for, and 6,085 against civil service.

An amendment to take over the street railway system of Detroit was rejected by the council, but 18,000 voters signed a referendum petition. A temporary injunction was secured to prevent the submission to the people, but the lower court held that it had no jurisdiction until the actual passage of the amendment. The decision of the Supreme Court is awaited with interest.

The voters of San Francisco at the recent election adopted charter amendments for (1) initiative and referendum, (2) submission to popular vote of all grants or renewals of public utility franchises, (3) the printing of a declaration of political principles of one hundred words opposite the name of a candidate on the ballot, (4) the elimination of the party circle at the head of the ballot and the rotation of names of candidates, (5) the establishment of a free public employment agency, and (6) an eight-hour day and a wage of three dollars for laborers on the public works.

In a recent bulletin of the Federated Civic Societies of Milwaukee, announcement is made of a list of speakers who will address the neigh-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

borhood civic clubs of the city. The personnel of the list includes public officials, ministers, and university professors, all of whom have volunteered their services. The topics lie, for the most part, in the fields of economics, sociology, and politics. The civic centre movement in Milwaukee is making rapid headway through the inspiration of Mr. Edward J. Ward, who formerly did so much along the same lines for Rochester.

At the recent meeting of the National Municipal League, held at Buffalo, a report was presented by the committee on school extension. The appointment of the committee grew out of an address made by Mr. Edward J. Ward at the 1909 meeting of the League, showing the advances of Rochester in civic centre development. The report, in brief, advocates the use of public school buildings as social and civic centres for the generation of neighborhood spirit and the furtherance of open and non-partisan discussion of the civic problems. The following topics will indicate the tenor of the document: (1) the public school building as non-partisan headquarters; (2) the relations of the civic use of school buildings to public service; (3) the public school building as a local health office; (4) the public school building as a branch public library; (5) the public school building as a free lecture centre; (6) the relation between the social centre and the home; and (7) the relation of the social centre to the church.

The Civic League of St. Louis is organizing a Junior League among the school children of the city, the purpose being to arouse civic interest among children and to accomplish some practical work in the direction of a clean city. The Civic League is making great efforts to increase its membership among all classes of the community with the object in view of greater efficiency. To that end the League began December 12th the publication of a bi-weekly bulletin.

In response to petitions adopted by a number of organizations and signed by 500 citizens, Mayor William A. Magee of Pittsburgh has promised to make public the annual city budget on December 15th, nearly two months before the time when the annual appropriations must be made. The items of the budget are to be properly segregated and the fullest opportunity afforded for examination and discussion.

The Pittsburgh Civic Commission has a firm of accountants at work studying the bookkeeping and auditing systems of all city departments. The results of the investigation of the controller's office have been published in a pamphlet, the first of a series, under the title, "Business Efficiency for Pittsburgh."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A vigorous campaign is in progress in Pittsburgh for a new city charter. The proposed plan, in some respects following the new Boston charter, provides for a council of nine members, elected at large for four years and at a salary of $6500. The referendum, initiative and recall are incorporated in the plan. Other features are a non-partisan ballot and nomination by petition. The office of mayor and its duties and powers remain as at present.

A committee of the Cleveland Chamber of Commerce, with Dr. A. R. Hatton as chairman, has reported a draft of a bill to be submitted to the next Ohio General Assembly, the purpose of which is to prevent the enlargement of the City Council of Cleveland. The present body has thirty-two members, but the publication of the census returns will bring the membership automatically up to forty-four. The committee believes that development in municipal government should be in the direction of simplicity and that an increase in the City Council would have the contrary effect.

The Cleveland City Council has recently passed an ordinance granting the East Ohio Gas Company a franchise for the supply of both natural and artificial gas, the former at thirty-one cents per thousand feet and the latter at seventy-five cents. The franchise is to run twenty-five years, but there may be a readjustment of charges at the end of ten years. The Company is obliged to make extensions under specified conditions and agrees by acceptance of the franchise to provide increasing quantities of natural and artificial gas, corresponding to the growth and development of the city. All the operations of the Company in the streets of the city are subject to strict supervision of the city authorities designated for the purpose, as also the quality of the gas furnished, inspection of meters and other details. The Company has refused to accept the franchise to furnish artificial gas at seventy-five cents and has formally threatened to discontinue service January 17th unless concessions are made in the direction of a higher rate of charge. The feasibility of municipal ownership and operation is being discussed.

At the last election in Illinois, the voters endorsed by a very large majority the three recommendations of the Peoria Conference, viz., (1) the extension of the merit system to the civil services of the State and Cook County; (2) the enactment of a corrupt practices law; and (3) the adoption of the initiative and referendum. The Civil Service

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Reform Associations of the State and Cook County are engaged in drafting measures to carry out the will of the people as expressed in the "Little Ballot." A large majority of senators and representatives are pledged to vote for the civil service reform bills.

The Boston City Council recently adopted an ordinance which consolidated into a new Department of Public Works the three existing departments which have had to do with city construction work. These are the City Engineer's office, the Streets Department, and the Water Department. Mr. Louis K. Rourke, Superintendent of Streets, has been named Commissioner of Public Works and will have entire charge of the new department, which now includes streets, water, sewers, lighting, bridges and ferries.

The sixteenth annual meeting of the National Municipal League was held at Buffalo, N. Y., on November 14 to 17 inclusive. The program presented was one of more than usual interest and attractiveness, and the meetings were well attended. The address of the President, Hon. Charles J. Bonaparte, was entitled "Patriotism in Municipal Affairs" and dealt with the methods of developing citizen activities. Hon. William Dudley Foulke, the League's new president, presented a paper on "Conservation in Municipalities," dealing particularly with the merits of various forms of city expenditure. Among other papers which attracted more than passing attention were those of Dr. Horace E. Flack on "Municipal Reference Libraries"; Dr. W. F. Willoughby on "The Correlation of Financial and Physical Statistics of Cities"; Prof. C. E. Merriam on "The Chicago Commission on City Expenditures"; Dr. Ernest S. Bradford on "A Comparison of Commission Forms of Government"; Harvey S. Chase on "Municipal Budgets and Balance Sheets"; and the annual review of municipal happenings for the year given by Hon. Clinton Rogers Woodruff, Secretary of the League. These papers will be published very shortly in the organization's annual volume of Proceedings.

The Cincinnati Bureau of Municipal Research has printed a pamphlet containing a summary of its first year's work, also several reports dealing with the materials and methods of street pavements.

An interesting step in the work of endeavoring to suggest improved methods of municipal administration through skilled research is an-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

nounced in Hoboken, N. J., where Mrs. Robert Livingstone Stevens has given, in memory of her late husband, a fund yielding an income of $4,000 per year to be administered for the benefit of that city by the New York Bureau of Municipal Research. Mention may also be made, in a like connection, of the offer recently made by Hon. Herman A. Metz of New York to provide $10,000 per year for three years to be used in the educational work necessary to bring the methods of municipal accounting in the United States upon something like a uniform basis. This fund will also be administered by the New York Bureau of Municipal Research in coöperation with the National Association of Comptrollers and Accounting Officers, and similar organizations.

The Prussian Government has drawn a bill providing for the consolidation of Berlin with its surrounding municipalities into a Greater Berlin. The population of the new metropolis will be about three and a half millions. The system to be adopted is in a general way similar to that of the administrative county of London, the chief organ of the whole area being an elective council of about one hundred members of whom only one-third will be chosen from the city proper although this area includes nearly three-fifths of the whole population. This provision is rather obviously aimed to reduce the Social-Democratic influence in metropolitan affairs. The powers of the council, as proposed by the bill, will be much less extensive than those exercised by its London prototype, being confined to matters of transportation, parks, and building regulations.

The Municipal Library of Buda Pesth has issued a two-hundred page *Catalogue systématique de socialisme municipal.* The issue is the third in a series of bibliographical publications relating to city affairs.

A *Cyclopædia of American Government,* edited by Prof. A. C. McLaughlin of the University of Chicago and Prof. Albert Bushnell Hart of Harvard University is expected to appear from the press of Messrs. D. Appleton and Company, during the course of the current year. It will be issued in three large volumes and will contain articles covering all phases of municipal government.

A very successful historical pageant, entitled "Cave Life to City Life" was recently undertaken by Boston. The various stages in the growth of a great city were portrayed; several thousand persons,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

including children drawn from the schools of the city and suburbs, taking a share in the various scenes.

The City Council of Milwaukee has appropriated $25,000 for the establishment and maintenance, until the year 1912, of a Bureau of Economy and Efficiency. This Bureau has been patterned after the Pittsburgh Survey and its general work was outlined by Prof. John R. Commons, who has been engaged to undertake the project. Since the amount of money available is inadequate for all the investigations first proposed, it is to be devoted exclusively to building up a system of cost-keeping designed to promote the economy and efficiency of municipal departments. In addition to this the coöperation of other agencies has been secured for more effective administration along the following lines: (1) Inspection and enforcement of housing laws and ordinances. (2) Infant mortality and the milk supply. (3) Accidents to workingmen. (4) Wage-exemption and garnishment laws. (5) Boys engaged in street trades. (6) House registration of tuberculosis.

In developing the municipal cost-system preliminary investigations have been had: First, on the legal side, where there have been prepared digests of the legal relationships, powers, and duties coming from the city charter and ordinances, to show the status of each official and the activity required in each line of municipal authority. Second, a study has been made of organization and administration *in general*, with charts showing not only the lines of authority and particular duties of every branch of administration, but of every department with respect to the duties of each employee. A particular study has been made of the general practice of the Comptroller's office as compared with the organization of private corporations, especially of railroads. And, finally, the organization and administration *by departments* has been taken up, as to accounting and business procedure, mechanical efficiency, wastes and losses, and the staffs. Thus the results of the preliminary investigation, by means of charts and the accompanying legal digests, are intended to show graphically the relative position and authority and the work actually performed by each man, and, in this way, how thoroughly a department is organized and what changes should be made for the most effective distribution of responsibilities. The charts as to business methods show how effective and economical are the means as compared with the mechanical results secured. In this manner costs may be taken for any unit of time, so that, at the end of a month, say, results may be compared with those of any other month and thus

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

show advance or decline in efficiency, the presence of dishonesty, or particular inefficiency, or especially good results, and the exact time and place where these may have occurred. These general results, in turn, can be compared directly with the results of similar undertakings under private ownership or in other cities, and in this way the experience of one city in a particular direction may be a benefit to other cities. This is of especial value since coöperative methods have been established between a number of cities (including New York, Chicago, Philadelphia, St. Paul, Cincinnati, and San Francisco) which are undertaking similar work at the same time, and a fund of $30,000 has just been given by former Comptroller Metz of New York City to make this coöperation as effective as possible.

In Milwaukee the work has certain advantages, since it is inaugurated by the city administration itself with full official coöperation and assistance; the Comptroller and Deputy Comptroller have already reorganized their work according to the best business practice; and it has the active coöperation of the State Railroad Commission, the Tax Commission, and the Extension Department of the State University, as well as its engineering and accounting experts. Therefore the work can be carried on with less expense than in other cities and will be completed in a shorter time. Milwaukee is expected, for this reason, to furnish a model for the investigations of other cities, and the work there is being carried forward at a more rapid pace not only by its own investigators and coöperating agencies, but by the active assistance of experts from other cities. One municipal department is being taken up at a time, beginning with the water and public works department, and the improved system is to be installed piecemeal.

The following is a brief summary of the recent Illinois law permitting the cities of that state to adopt the commission form of city government.

The act applies to cities not exceeding two hundred thousand in population.

When petitioned for by electors equal in number to one-tenth of the vote cast for the mayor in the last preceding election, the county judge shall have a vote taken.

. . . If the proposition to adopt the commission form be adopted, then on the third Tuesday of April and quadriennially thereafter a mayor and four commissioners shall be elected from the city at large.

Candidates for the office of mayor or of commissioner are to be nominated at a primary election to be held the second Tuesday in March

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

preceding the date of the election. The two candidates receiving the highest number of votes for mayor are nominated, and the eight candidates receiving the highest number of votes for commissioners are nominated. Each elector casts one vote for each officer.

Three constitutes a quorum of the city council formed by the mayor and four commissioners. The yeas and nays are to be recorded on every vote. The mayor has no veto power.

To the council are given all powers and duties, legislative and executive, now exercised by the mayor, city council, city clerk, city attorney, city treasurer, city comptroller, etc., except that the Board of Local Improvements remains a separate and distinct body.

This power and authority is to be divided and distributed among five departments as follows: Public Affairs, Accounts and Finances, Public Health and Safety, Streets and Public Improvements, Public Property.

The council distributes the power, authority and duties among these five departments by its own ordinance, except that the mayor is always commissioner of the Department of Public Affairs.

The Illinois Civil Service Act of 1895 is to remain operative where it has been adopted by cities previous to the adoption of the commission form of city government.

Salaries of commissioners are not high. For instance, in cities of 5,000 to 10,000 the mayor is to be paid $600 and the four commissioners $400 each per annum.

The council is to meet once a week. Meetings are to be public. Any appropriation of money is to be on file with the city clerk for one week before passage.

Franchises for public service utilities must be approved by a majority of the electors.

Members of the council may not be interested in city contracts.

Election and primary expenses of the officers must be published in a daily newspaper with a sworn statement of all campaign expenses and the contributors to his campaign fund.

Each month an itemized statement of the city's finances is to be published, and an annual examination of the books of the city is to be made and published.

Every incumbent of an elective office is subject to recall and removal at an election to be held on petition of 75 per cent of the voters. If the incumbent whose recall is sought shall resign within five days after the petition for recall has been filed, then the council may appoint his suc-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cessor and the election will not proceed. Otherwise an opponent is to be chosen at a primary election. No recall petition shall be filed against an officer who has not been in office for twelve months. No officer who has been recalled may be appointed or elected to office within one year.

The initiative is secured by provision for a petition of 25 per cent of the voters asking that an ordinance be either passed by the council or submitted to the people.

Except in cases of emergency, no ordinance passed by the council shall go into effect for thirty days. In this period a petition by 10 per cent of the electors can suspend the operation of the ordinance and demand either that the council repeal the ordinance or submit it to the people for approval.

Any city which has adopted the commission form of city government must continue under this form for four years, after which time it may return to the old system in much the same manner as it adopted the new.

There is in Illinois a considerable agitation for the adoption of the commission form of government as provided for in the foregoing act of the legislature of that State. Springfield, Champaign, Quincy, Kewanee, Joliet, Monmouth, will all vote on the issue of its adoption. Galesburg, Moline, Jacksonville, Peoria, and Rock Island, are in the midst of the preliminary discussion on the question. The *Chicago Tribune* is advocating the commission form of government for that city, though at present it is outside the provisions of the law.

The city of Seattle is making use of the recall provision in its charter. It thus follows in the wake of Los Angeles, which, though not under the commission form of government, has the recall provision in its laws. The recall in Seattle is being directed against the mayor who is charged with permitting gambling and other vice to be conducted by syndicates which paid for their privileges. Over eleven thousand names appear on the recall petition and the election must be held within forty days' time.

Among the subjects receiving special attention at the recent annual meeting of the National Municipal League at Buffalo, November 14–18, 1910, was the question of the desirability of the League undertaking the formulation of a program of municipal administration analogous to its Municipal Program prepared ten years ago. That program dealt primarily with the problems of the political organization of cities. The

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

last ten years have witnessed a great development of interest in the subject of municipal administration as distinct from that of municipal government. Notable efforts are being made, not only by the officials of certain cities but by such bodies as Bureaus of Municipal Research, Finance Commissions, and the like, to improve the administrative organizations and purely business methods of municipalities. Especially has the movement for the adoption by the cities of the most approved principles and methods of accountancy and cost-keeping gained great headway. With some reservations, the question of municipal reform may be said to have passed beyond the stage of the discussion of problems of political organization and to have entered that of the consideration of the means for securing good administration. Here too the stage of general discussion has been passed and the really important points are ones of technical details.

In the Municipal Program of ten years ago the League rendered an invaluable service in definitely formulating and concretely expressing in a formal document the best thought regarding the provisions that should be made in respect to the political character and powers of municipalities. At the Buffalo meeting referred to, the question was raised, in a paper delivered by Mr. W. F. Willoughby, Assistant Director of the Census, on the subject of the Correlation of the Financial and Physical Statistics of Cities, as to whether the time was not ripe for the League to undertake a similar definite formulation of principles and practices that should find expression in all systems of municipal administration. The proposition was favorably received and resolutions were passed directing the Executive Committee of the League immediately to take steps looking to the determination of the manner in which this work should be inaugurated and conducted.

Another important venture which the National Municipal League has decided to undertake is that of publishing a series of small volumes containing reprints of papers delivered at various times at the annual conventions of the League. The various papers relating to *City Government by Commission, The Initiative, Referendum and Recall, Municipal Accounting*, and *School Extension* will shortly be brought together in four small volumes, and others will follow at intervals. Each volume will have a special editor and the whole series will be under the supervision of the League's publication committee.

A volume of Short Ballot Charters will be issued shortly under the editorship of Professor C. A. Beard of Columbia University.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NEWS AND NOTES

EDITED BY W. F. DODD

THE SEVENTH ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION

The seventh annual meeting of the American Political Science Association which was held in St. Louis, December 27–30, was in every way a successful gathering and bore witness to the rapid growth of the Association and to the value of its proceedings. All of the meetings, with one exception, were held at the Southern Hotel where the Association had its headquarters, and at the close of each evening session a reception and buffet supper was tendered the members of all the associations then holding annual meetings in the city. These included, besides the Political Science Association, the American Economic Association, the American Sociological Society, the American Statistical Association and the American Association for Labor Legislation. In result the visiting members were kept closely associated and abundant opportunity offered for the making of new acquaintance, the renewing of older friendships, and, generally, the interchange of individual views. The Secretary and Treasurer reported a continued increase in the membership of the Political Science Association, the enrollment being approximately thirteen hundred and fifty.

The annual presidential address, which was delivered by Governor Woodrow Wilson, is published in this issue of the REVIEW.

The topics, to a discussion of which the various sessions of the meeting were devoted, were: Recent Constitutional Developments in Europe, Municipal Government, Judicial Organization and Preceding Primary Elections, International Law, and Taxation, the last named subject furnishing the topic for discussion at the meeting held jointly with the American Economic Association. The titles and authors of the various papers read were as follows: The Law and the Facts (Presidential Address), by Governor Woodrow Wilson; The British House of Lords, by Prof. T. F.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Moran; Tendencies towards Ministerial Responsibility in Germany, by Prof. W. J. Shepard; The Russian Duma, by Mr. I. A. Hourwich; the Turkish Parliament, by Prof. A. H. Lybyer; The Proper Organization and Procedure of a Municipal Court, by Chief Justice Olson; Delays and Reversals on Technical Grounds in Civil and Criminal Trials, by Hon. Edward J. McDermott; Commission Government in Kansas (by title), by Mr. F. G. Bates; Tendencies in Municipal Charters, by Dr. H. E. Flack; The United States Bureau of the Census and Municipal Statistics by Mr. E. C. Meyer; Primary Elections in Illinois, by Hon. W. Clyde Jones; Direct Primaries in Missouri, by Prof. Isidor Loeb; Primary Elections in Iowa, by Prof. F. E. Horack; The Direct Primary Movement in New York, by Prof. C. A. Beard; Primary Elections and their Results in Massachusetts, 1640–1691, by Dr. E. M. Hartwell; The Place of the Income Tax in the Reform of Senate Taxation, by Prof. T. S. Adams; Land Value and Taxation, by Prof. H. J. Davenport; Aërial Navigation, by Prof. G. G. Wilson; and Methods of Enlisting Public Opinion in International Arbitration, by Mr. Theodore Marburg. The papers on Taxation will be published by the American Economic Association. The remaining papers read will be published at an early date either in this REVIEW or in the seventh volume of the PROCEEDINGS of the American Political Science Association. Among the informal addresses at the various meetings, of especial interest were the remarks of Hon. F. W. Lehmann, Hon. John D. Lamson, and Mr. E. M. Grossman at the session devoted to Judicial Proceedure.

For the year 1911 the following officers of the association were elected: President, Simeon E. Baldwin; first vice-president, Albert Bushnell Hart; Second vice-president, Emlin McClain; third vice-president, Ernst Freund; secretary and treasurer, W. W. Willoughby, Stephen Leacock. Charles McCarthy, Isidor Loeb, C. H. Mc.Ilwain, T. F. Moran and A. R. Hatton were elected members of the Executive Council.

The decision as to the place for the next meeting of the Association was left to the Executive Council. Their decision will be announced in the May issue of this REVIEW.

PERSONAL AND BIBLIOGRAPHICAL

Rear-Admiral C. H. Stockton has accepted the acting presidency of George Washington University He will also during the course of the year deliver a series of lectures on international arbitration and the position of the modern navy in international affairs.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Professor H. Parker Willis is now dean of the School of Political Science George Washington University.

Mr. Francis W. Dickey has been appointed instructor in political science at Western Reserve University.

A fund of $450,000 is being raised by Grinnell College, Iowa, for the purpose of establishing a department of public affairs, which should include chairs of political science, economics, sociology, and modern history.

Prof. Josef Lukas of the University of Königsberg has been appointed professor of constitutional and administrative law in the University of Münster. Dr. G. J. Ebers of Breslau has also been appointed to a professorship of public law at Münster.

Mr. Leslie C. McNemar, a student in the graduate and law schools in the University of Chicago, has been appointed instructor in political science and international law in George Washington University.

Mr. Arnold B. Hall has become an instructor in political science at the University of Wisconsin, and has taken charge of the legal courses which were formerly given in the department of political science by Prof. R. B. Scott. Professor Scott has recently resigned his professorship in the law school in order to enter again upon the practice of law.

Dr. David Jayne Hill, the American ambassador to Germany, has been appointed to the Carpentier lectureship in Columbia University for the present year and will in April deliver a series of lectures on "The Political Organization of the World." The Carpentier lectures for 1911–12 will be delivered in October and November, 1911, by Sir Frederick Pollock, whose subject will be "The Genius of the Common Law."

Senator Theodore E. Burton of Ohio has recently delivered a series of lectures at the University of Pennsylvania on "The State and Corporations." Senator Burton advocates federal regulation and incorporation.

Mr. Frank A. Neff is giving the courses in political science and American history at Beloit College during the absence of Dr. Royal B. Way, who is teaching during this year at the University of Indiana.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Beer lectureship political science at Columbia University will be filled this year by Professor Leonard T. Hobhouse of the University of London, who will deliver a series of ten lectures on "Social Evolution and Political Theory."

Mr. Mayo Fesler, since 1904 secretary of the Civic League of St. Louis, has become secretary of the Municipal Association of Cleveland. The Municipal Association serves not only as a bureau of information but also as an active force in bringing about improved municipal conditions in Cleveland. It has recently issued a list of speakers on municipal subjects, which includes well-informed speakers on questions of local interest, who are available to make addresses before local improvement associations, church clubs, or other organizations of a similar character. The Association has undertaken, through a committee of which Prof. A. R. Hatton is chairman, an investigation on the subject of constitutional home rule for the cities of Ohio.

The second annual meeting of the Wisconsin Branch of the American Institute of Criminal Law and Criminology was held in Milwaukee, November 25 and 26. The chief work of the conference was the consideration of the reports of the Committees appointed at the Conference of 1909. These reports had been printed and distributed in advance and related to such matters as trial procedure; organization of courts; mental responsibility; sterilization of criminals; juries; juvenile offenders, and classification of criminals. The proceedings and resolutions of the conference will be printed and may be had of the secretary, Prof. E. A. Gilmore Madison, Wisconsin. Similar branches of the American Institute of Criminal Law and Criminology have recently been organized in New York and Pennsylvania.

The thirtieth annual meeting of the National Civil Service Reform League was held in Baltimore, on Dec. 15 and 16, 1910. Among the subjects discussed were: promotions, the application of the merit system to higher municipal offices, the application of competition to the filling of legal positions, the Boston plan of appointments by the mayor, subject to approval by the State Civil Service Commission.

A conference on international arbitration was held at the New Willard Hotel, in Washington, December 15–17, 1910, under the auspices of the American Society for Judicial Settlement of International Disputes.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Addresses were made by Elihu Root, John W. Foster, Henry B.Brown, Andrew Carnegie, Eugene Wambaugh, Charles Noble Gregory, Simeon E. Baldwin, Harry Pratt Judson, and a number of others. This conference was made the occasion for announcing a gift by Mr. Andrew Carnegie of ten million dollars, to be employed in furthering the cause of international peace.

The sixteenth annual meeting of the National Municipal League was held in Buffalo, November 14–17, 1910, Mr. William Dudley Foulke was elected president of the League, to succeed Hon. Charles J. Bonaparte. Among important subjects discussed were the franchise question; school extension; city finances, budgets and statistics; corrupt practices; the liquor question; and civil service.

The First Universal Races Congress will be held at the University of London, July 26–29, 1911. The object of the Congress will be to discuss "in the light of modern knowledge and the modern conscience, the general relations subsisting between the people of the West and those of the East, between so-called white and so-called colored peoples, with a view to encouraging between them a fuller understanding, the most friendly feelings, and a heartier co-operation." The program included, among others, the following papers: Tendencies toward parliamentary rule, by Dr. C. L. Lange; The government of colonies and dependencies, by Sir Sydney Olivier; International laws, treaties, Hague Conferences and Hague Court, by Dr. Walter Schucking; Forced labor, by Sir Charles Dilke; and the Negro in America, by W. E. B. Dubois. Further information regarding the Congress may be obtained from its secretary, G. Spiller, 63 South Hill Park, Hampstead, London.

The Holtzendorff foundation of Berlin offers a prize of 1200 marks for the best essay on the "Peines et mesures de sécurité sociale, les caractères distinctifs qui séparent ces deux nations et les conditions de leur application législative." Essays may be written in English, German, French or Italian and must be sent not later than May 1, 1911 to the secretary, Dr. Halle, Berlin, W. Kronenstrasse, 56. The jury of award will be composed of Professors Lilienthal of Heidelberg, Stooss of Vienna and Mittermaier of Giessen. The award will be announced in the Bulletin of the International Union of Penal Law.

The second annual state conference of City Magistrates of New York State was held at Albany on December 10, representatives of twenty-six

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cities and nine villages being present. The general subjects discussed were: arrests; proceedure and practice in juvenile cases; the enforcement of the compulsory school attendance law; the prosecution of cases of cruelty to children; the enforcement of the excise law and the methods of dealing with cases of non-support by husbands. Among those who delivered addresses were Judges William McAdoo, Robert N. Wilkin and Alfred R. Page of New York. The first conference was held a year ago and was attended by magistrates from twenty-one cities. The proceedings have been published in pamphlet form.

The third annual New York State Conference of Probation Officers was held at Rochester, November 15 and 16. The sessions of the conference were presided over by Mr. Homer Folks, president of the New York State Probation Commission. Among the topics considered were: the importance and methods of preliminary investigations both in the cases of children and adults; the importance and methods of improving home conditions; the importance and methods of keeping adult probationers properly employed; and the methods of dealing with bad conduct on the part of probationers; the New York State Conference of Charities and Corrections held its annual meeting at the same time and place. The principal subjects discussed related to the care and relief of the poor in their homes; the care of children; public health; public charitable and correctional institutions; congestion of population; and the social evil.

Mr. N. W. Harris, President of the Harris Trust and Savings Bank, of Chicago, has established annual prizes amounting to five hundred dollars, called the Norman Wait Harris Prizes, to be given to the authors of the best essays in any department of political science. For the year 1910–1911 the competition will be confined to undergraduates of all the universities and colleges of the following states: Indiana, Illinois, Michigan, Minnesota, Wisconsin and Iowa. Prizes of fifty dollars each will be awarded to the best production from each of the states, provided there are at least five essays from each commonwealth; and the competitor presenting the best paper from all the institutions represented will receive a prize of two hundred and fifty dollars. The essays must not exceed 10,000 words, must be typewritten, and must be mailed on or before June 1, to Professor N. D. Harris, 1134 Forest Ave., Evanston, Illinois, marked "for the Harris Political Science Prize." Contestants are required to mark each paper with a "nom-de-plume," and to enclose in a separate envelope their full name and address, class and college. The donor

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

reserves the right not to award any of the prizes offered, whenever the Committee shall decide that the essays submitted are not of a quality to deserve the reward. And the donor also reserves the right of publishing the best of the essays in such of the popular magazines, or newspapers as will ensure a widespread public notice of the work done. The subject for 1910–1911 is: "The Prevalence of Crime in the United States: its extent compared with that in the leading European States, its causes and best means of remedy." For any additional information concerning the scope or the conditions of the contest, inquiries should be addressed to Professor N. D. Harris, Evanston, Illinois, Chairman of the Committee.

The Library of Congress has issued a second edition of its *List of References on Reciprocity*. The new edition is more comprehensive than the old, and embraces references on all phases of the subject of reciprocity between the United States and other counties.

Mr. John A. Lapp, legislative reference librarian of Indiana, has prepared a small pamphlet entitled *Hints on Bill Drafting*. (Legislative Reference Department, Bulletin No. 4, pp. 9), which brings together in convenient form the constitutional provisions of Indiana governing the form and enactment of statutes, together with the decisions of the Indiana supreme court interpreting such provisions.

Professor W. W. Willoughby of the Johns Hopkins University has published a two volume treatise on the *Constitutional of Law the United States* (New York: Baker Voorhis and Company, 1910. Pp. I, lxxxv, 1–628; II, xxx, 629–1390). As stated in the preface, the aim of the work is "to give a logical and complete exposition of the general principles of the constitutional law of the United States . . . . to ascertain and to discuss critically the broad principles upon which have been founded the decisions rendered by the Court of the United States in the leading cases, and thus to present, as a systematic whole, a statement of the underlying doctrines by which our complex system of constitutional jurisprudence is governed." The work is based upon lectures delivered to the graduate students in political science at the Johns Hopkins University.

Dr. Leo Geller has issued in convenient form the *Bosnisch-herzegowinische Verfassungs-und Politische Grundgesetze* (Vienna; Perles. Pp. 136). There is a brief historical introduction followed by the text of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

laws governing the political and administrative organization of Bosnia-Herzegovina, the most important of which is the *Landesstatut* of February 17, 1910.

The Civic League of St. Louis began on December 12 the publication of the *Civic Bulletin*, which will be issued bi-weekly. The *Civic Bulletin* is a small four-page publication, in which will appear concise accounts of efforts for civic betterment in St. Louis.

Prof. T. L. Sidlo has an interesting article on the problem of "Teaching Practical Politics," in the November Bulletin of the Western Reserve University.

The Oriental Economic Review is the title of a new journal the aim of which is to give "a fortnightly summary of East Asian Affairs." The *Review* is published twice a month, and the annual subscription is $1.50. The publishers are the Oriental Information Agency, 55 Nassau Street, New York City.

D. Appleton and Company announce that the first volume of the *American Year Book*, covering the year 1910, will be ready about February 1. As already announced in this REVIEW, the *American Year Book* is edited by Mr. S. N. D. North, and will devote a large part of its space to the economic and political developments of the year.

Mohonk Addresses by Edward Everett Hale (Boston. Pp. xxviii, 150) is the title of a small volume recently published by Ginn and Company. It is a collection of the addresses delivered by Dr. Hale at the various Mohonk Conferences on International Arbitration, together with similar addresses delivered by the late Justice David J. Brewer. The appendix contains the platforms of the successive conferences from the first in 1895 to that of the present year.

A sixth edition has appeared of Prof. Berthélemy's well-known *Traité élémentaire de droit administratif* (Paris: Rousseau. Pp. 966). The fifth edition appeared only in 1908, so that few changes appear in the new edition.

Dr. Max Fleischmann of the University of Halle is editing a second edition of Karl von Stengel's *Wörterbuch des deutschen Staats-und Verwaltungsrechts* (Tubingen: J. C. B. Mohr.)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Two supplements have been issued to the fourth volume of the *Zeitschrift für Völkerrecht und Bundesstaatsrecht*, one by Fritz von Hansemann, entitled *Die Lehre von der einheitlichen Reise im Rechte der Blokade und Kriegskonterbande;* the other by Arthur Meynen, entitled *Die staatsrechtliche Stellung des preussischen Kriegsministers* (pp.vi,38).

Among the recent Columbia University Studies is one by William Smith Murray on the *Making of the Balkan States.* (New York, 1910. Pp. 199). The monograph states very briefly the early position of Montenegro, Servia, Bulgaria and Roumania, and treats primarily with these provinces under the European concert, and their struggle for nationality, No prophecies are indulged in, but the play of politics among the European Foreign Offices is outlined with almost statistical severity.

Few "economic classics" have fared so well in the matter of modern reprinting as Thomas Mun's *England's Treasure by Foreign Trade.* McCulloch included the essay in his volume of *Tracts on Commerce* (1856); Professor Ashley reproduced the first edition in 1895; Professor Deschamps announces a French translation in the new Geuthner *Collection*, and 1911 sees a German version edited by Dr. Rudolf Biach, with an introductory essay almost as long as the tract itself.

Prof. J. W. Garner of the University of Illinois, with the coöperation of a committee of high school principals, has prepared a syllabus for the teaching of civil government in the high schools. The syllabus is divided into twenty-two chapters and contains suggestions to teachers, bibliographical references, lists of illustrative and documentary materials, suggested libraries for high schools, etc. The syllabus will be printed by the University of Illinois.

Reference was made in a recent number of this REVIEW to an international conference of jurists held at London on February 26-March 1, 1910, to deliberate on the relations between Russia and Finland. The conclusions of this conference were embodied in a lengthy document the text of which may now be found in the *Revue de Droit International et de Législation Comparée*, second series, Vol. xii, numbers 4 and 5.

Railroad economists will be interested in Dr. John M. Clark's *Standards of Reasonableness in Local Freight Discriminations* (Columbia University Studies in History, Economics and Public Law. Vol. xxvii, no. 1. New

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

York. 1910. Pp. 155.) It is the purpose of the work to determine what constitutes reasonableness in freight charges in localities situated at similar distances from a shipping point, since flat distance rates are not feasible. Incidentally there is considered the position of the railway in the competitive system, and the influence of rates on public and commercial policy. While the body of the monograph is technical, a chapter on reasonableness in the decisions of the courts and of the Interstate Commerce Commission is of more than special interest.

New editions have appeared within the year of T. E. Holland's *Elements of Jurisprudence* (eleventh ed. Oxford: Clarendon Press. Pp. Pp. xxv, 454), and of John W. Salmond's *Jurisprudence or the Theory of the Law* (third ed., London; Stevens and Haynes. Pp. xiv, 501). Each book has been revised to a certain extent, but the new editions are in each case substantially the same as those immediately preceding.

Transportation in Europe, by Logan G. McPherson (New York: Henry Holt. Pp. vi, 285) is a brief study of railway and water transportation on the European continent and in England, and is the result of the author's investigations abroad while connected with the National Waterways Commission. Mr. McPherson is of the opinion that the European waterways have ceased to be of great importance as means of transportation, and he feels that government ownership or strict control of railways has led to rigidity of rates and thereby retarded commercial development.

Prof. D. J. Medley of the University of Glasgow has recently published a volume of *Original illustrations of English Constitutional History* (London: Methuen. Pp. xi, 397). The volume contains but a small number of documents, most of which are also in Adams and Stephens' *Select Documents of English Constitutional History*. Professor Medley's volume has, in fact, when differences in type and size of page are taken into consideration, only about half the bulk of Adams and Stephens' collection. Professor Medley has, however, given greater emphasis to certain topics, such, for example, as the form of parliamentary writs and the union with Ireland. The collection contains no documents beyond 1800; the earlier documents are given in Latin, without English translation.

The Corsican: A Diary of Napoleon's Life in his own Words (Boston: Houghton Mifflin. Pp. 526) is a compilation of oral and written statements of Napoleon, arranged in chronological order, and edited by Prof.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

R. M. Johnston. The volume is, of course, not a diary in any true sense, and is of small value for historical purposes. But it does bring out clearly the essentially human characteristics of Napoleon; the volume is intensely interesting, and should be of real value in aiding one to form a correct view of Napoleon, if read in connection with some one of the scholarly books upon his life and work.

The Russell Sage Foundation has recently issued, under the editorship of Prof. Charles Richmond Henderson, four volumes on *Correction and Prevention*, prepared for the Eighth International Prison Congress which met in Washington, October 2–8, 1910. (New York: Charities Publication Committee). The following are the titles of the several volumes: *Prison Reform*, edited by C. R. Henderson; *Preventive Treatment of Neglected Children*, edited by Haskings H. Hart; *Penal and Reformatory Institutions*, and *Preventive Agencies and Methods*, both edited by C. R. Henderson.

The publishing house of J. C. B. Mohr of Tubingen announces a series of monographs on party history, which will deal primarily with German parties, but will also include studies of political parties in France and England. One of the volumes announced for publication is Dr. L. Bergstrasser's *Studien zur Vorgeschichte der Zentrumspartei.*

Dr. Edward G. Brown, who published in 1909 an interesting *Brief Narrative of Recent Events in Persia*, has brought out through the Cambridge University Press a volume on *The Persian Revolution, 1905–1909.*

Dr. Henry Barrett Learned will publish in the spring a volume on *The President's Cabinet.*

Viscount Morley and Indian Reform, by E. Major (London: Nisbet. 1910. Pp. 183) is primarily an account of the passage of the Indian Council's Act by the British Parliament in 1909. The book is divided into three parts: The Man and the Measure; The Passing of the Act; and Day by Day in India. After a chapter on the life of Lord Morley, the author discusses the situation in India which made some measures of reform necessary, and then traces the passage of the act, discussing its terms with some degree of fullness. In both the second and third parts of the book much attention is devoted to Indian opinion and the manner in which the new act has been received. A fuller account of the first

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

elections under the act would have been of interest. Mr. Major is in agreement with the view expressed by M. Chailley-Bert that some of the difficulties of the Indian government may be solved by an efficient system of higher education which should train men for other work than that of filling subordinate positions in the civil service.

Several important works have recently appeared upon the Argentine Constitution. *El gobierno representativo federal en la República Argentina,* by Prof. José Nicolás Matienzo (Buenos Aires: Coni Hermanos. 1910. Pp. 469) is a concise study of the whole Argentine government, with frequent references to the actual working of the organization. In covering so large a field the discussion of each subject is necessarily brief, and on this account in many places unsatisfactory to a student not already somewhat familiar with Argentine political conditions. Professor Matienzo argues strongly in favor of the full application of the principle of ministerial responsibility, which was specifically adopted by the terms of the constitution of 1853, but which has never been fully employed in the practical working of the government. Dr. Arturo M. Bas of the University of Córdoba published in 1909 a volume entitled *Derecho Público Provincial* (Córdoba: Domenica. Pp. 491), which gives a comparative view of the governments of the Argentine provinces. Señor Luis V. Varela, who is well known as a writer on both the public and private law of the Argentine Nation, has issued an *Historia Constitutional de la República Argentina* (La Plata: 1910. 4 vols.) which presents in amplified form the constitutional development of the country; the fourth volume is devoted to a collection of constitutional documents covering the period from 1810 to 1825. Señor Varela has also prepared recently a two-volume work entitled *Comentarios á la constitución nacional Argentina,* and a one-volume *Historia institucional de la Provincia de Buenos Aires.*

The proceedings of the commission authorized by the legislature of New York in 1908 to inquire into the courts of inferior criminal jurisdiction in cities of the first class (popularly known as the Page Commission sion), have been printed and fill five volumes aggregating nearly 5000 pages (Albany: The J. B. Lyon Company. 1910). The final report of the commission is summarized in a pamphlet of 87 pages. A vast amount of testimony was taken showing an over-crowded and otherwise shocking condition of affairs in some of the magistrates courts of New York city. In many instances the accommodations for the courts were

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

found wholly inadequate and the surroundings disgraceful. The procedure in many jurisdictions was also found to be of such a character as to constitute a serious impediment to the administration of justice and well calculated to inspire contempt rather than respect for the courts. The commission recommended a thorough going reorganization of the existing magistates courts by the creation of a single court with fifteen justices, more adequate accommodations, a more modern and dignified method of conducting trials, the appointment of civilian probation officers and attendants in the place of police probation officers and attendants, the installation of an efficient system of records, an extension and improvement of the system of children's courts, an extension of the period of probation, the creation of courts of domestic relations, the establishment of a night court for men and one for women each to be open until three o'clock in the morning, and compulsory medical examination of women convicted of prostitution. In pursuance of these recommendations the legislature at its last session passed a bill for the reorganization of the inferior courts of New York city, embodying many of the committee's suggestions. The law follows in its administrative features that of Illinois for the establishment of the municipal court of Chicago but in other respects there is little similarity between the two courts. Considerable opposition has been made to the provision requiring medical examination of prostitutes, largely because it applies only to females, and the provision has recently been declared unconstitutional by one of the justices of the Supreme Court.

An Outline for the Study of American Civil Government, with Special Reference to Training for Citizenship, for use in Secondary Schools, has been prepared by a Committee of the New England History Teachers Association (MacMillan Company: NewYork. 1910. Pp. xxviii, 187). The syllabus contains an introductory discussion of twenty three pages, a bibliography of three pages and an outline covering ninety pages, each alternate page being left blank for the addition of notes and memoranda by the teacher. The division of the outline into but nine chapters is open to criticism. Since the subject matter of most high school text books is divided into a much larger number of chapters the syllabus might very well for the sake of convenience be correspondingly subdivided. We wonder also whether the view of the committee that the time devoted to the study of federal government should not exceed one-fourth of the time if the course is correct. Formerly there was a tendency to overemphasize the importance of the federal government at the expense of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

state and local governments. Now the tendency is in the opposite direction. With the enormous expansion of federal activities in recent years the importance of the national government to the mass of citizens has correspondingly increased as we doubt whether the apportionment of time for its study as made by the Committee of the New England Teachers Association is an equitable one. At the head of each chapter of the syllabus is a brief list of general references and throughout are specific references to the literature and to documentary material. In addition there are a number of diagrams and charts of doubtful value.

A Guide to Reading in Social Ethics and Allied Subjects (Harvard University, 1910. Pp. x, 265), is a volume prepared by members of the faculty of Harvard University, under the editorship of Prof. Francis G. Peabody. The volume covers practically all fields of economic, social, and political science, and the list of references in each section is prepared and annotated by an expert in the field covered. The section on "the science of government" is edited by Prof. W. B. Munro, and presents in less than eight pages a satisfactory though brief list of books dealing with the whole subject of government. The volume will be of great value to students of the social sciences who wish in convenient form a list of books within fields in which they are not specialists. But it may be questioned whether this *Guide* will really prove serviceable to persons who have not had a good deal of training in the fields covered. The books listed in any one of the forty-two sections of this work would require several years' study at least, and persons who use this volume without supervision are apt to be "bewildered both by the volume and the diversity of literature which solicits their attention." This statement is not intended to belittle the usefulness of the *Guide*, but simply to question whether it will be of very great service to the "general reader," for whose use it has been in part prepared.

An interesting and valuable report on criminal procedure in the English courts has been made by Dean John D. Lawson of the Missouri University Law School and Prof. E. R. Keedy of Northwestern University. The investigation was undertaken at the request of the American Institute of Criminal Law and Criminology in whose *Journal* the report is printed (November 1910, and January, 1911). The authors spent four months in the courts of London and at the assizes and were afforded every facility by the bench and bar of England for conducting their inquiry. Among the features of English procedure which impressed them

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

most are: the rapidity with which juries are selected, the dispatch with which trials are conducted, the dignity which characterizes the conduct of trials, the unimportance which is attached to technicality and harmless error by the Court of Appeal, the non-partisan character of the prosecution, the rapidity with which appeals are taken and disposed of, the low per centage of reversals and the importance of the rôle played by the judge in the conduct of the trial. The time usually required to select a jury is no longer than is necessary to call their names, challenges are almost unknown, the holding of opinions based on newspaper reports or hearsay evidence is not a disqualification for jury service, jurors are rarely examined in their *voir dire*, verdicts are usually reached by the jury without retiring and not infrequently several cases are heard by the same jury before leaving the box The judge may call and examine witnesses, he does not allow long-drawn-out wranglings over questions relating to the administration of evidence, he may and frequently does comment on the failure of the accused to testify in his own behalf and in a summing up he comments on the weight of the evidence and endeavors to sift out the material from the immaterial evidence and to clear the issue of confusions into which the jury may have been misled by opposing counsel. Cases are disposed of with remarkable dispatch and the dockets of the courts are rarely congested. Few appeals are taken in spite of the of the fact that since the creation of the new Court of Criminal Appeal every convicted person has the right of appeal. This court endeavors to administer "substantial justice" without regard to technicalities and the hearing of appeals in expedited with remarkable celerity When it rose in July every case on its docket had been disposed of. The committee makes a number of recommendations which if introduced into American procedure would doubtless greatly improve our treadmill methods and remove the principal sources of the existing wide-spread dissatisfaction with the administration of the criminal law in this country.

The papers and proceedings of the first International Congress of the Administrative Sciences, held at Brussels in July 1910, have been published in five volumes (Brussels: Goemaere). The first four volumes include the papers presented at each of the four sections into which the Congress was divided; dealing respectively with municipal administration, the administration of districts intermediate between the central and municipal government, the general organization of public services, and administrative documents. The fifth volume contains the list of delegates,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the proceedings and the discussions at the Congress, with a general index of the five volumes by writers, speakers and subjects. Of the four divisions of the general field of the Congress, most attention was given to the problem of municipal government. The first volume includes fifty papers on the general organization of municipal government, police, hygiene, finances, charities and industrial services, in the various countries of Europe. The second volume contains twenty-three papers on intermunicipal unions and on provincial, departmental and county administration. The third volume has twenty-six papers on general administrative problems. The reports are published in various languages, French, German, English, Dutch and Spanish; and include accounts of institutions in most of the European countries except Russia. The only papers from the United States are those on County Administration, by Prof. John A. Fairlie of the University of Illinois, and on Administrative Methods in the Department of Agriculture, by Dr. A. C. True, Director of Experiment Stations.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

BOOK REVIEWS

The Roman Assemblies from their Origin to the End of the Republic. By GEORGE WILLIS BOTSFORD, Professor of History in Columbia University. (New York: The Macmillan Company, 1909. Pp. x, 521.)

Professor Botsford devotes the first five chapters of his work to the Elements of the Comitial Constitution: the political divisions and social composition of the primitive populus, the thirty-five tribes, the centuries, and the classes; the remaining chapters, the nineteenth and last being a summary, to the Assemblies themselves, their organization, procedure, and functions, resolutions, statutes and cases. The author begins with the composition of the Roman populus, and at the start shows his method. He brings to bear on the question all ancient authority which has had modern interpretation, as he should do, but also he is able to add much new authority, and he draws his conclusions from what the evidence shows. In the first chapter he demolishes the quite generally accepted theories advanced by Niebuhr that the three primitive Roman tribes were of different nationalities, and that the curiae were composed of gentes. For the first theory he finds no trace of an authority in the ancient writers. He notices the low political vitality of the Roman tribes when first met with in historical times, which points to their artificiality; he shows that the Italian city state did not grow from a tribe or combination of tribes, but from the canton which centered about a place of refuge or defence; and he concludes that a pagus or canton became a populus at the point of time when it asserted its political independence of the folk, and that the new state patterned its tribes and curiae after the folk. The second theory he displaces with the proof that the gentes were composed of families and not of curiae, and, as the earliest voting body was curiate, he establishes the important result that the gens had no connection with the comitial organization. In the second chapter the author again, from another point of view, attacks the most fundamental problem in the early political and constitutional history of Rome. Was the primitive Roman state made up exclusively of patricians.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

or of patricians, plebeians, and clients, and therefore, assuming the first case, were the struggles up to the passage of the Hortensian law in 287 B.C. made by the plebeians and clients to gain citizenship, or, in the second case, being already citizens, were they striving to acquire certain social, economic, religious, and political privileges hitherto monopolized more or less by the patricians? Here the author is combatting such eminent authorities as Niebuhr, Schwegler, and Mommsen, but his argument is most convincing. From three points of view, the ancient, the conventional-modern, and the comparative-sociological, he shows that an exclusively patrician populus is impossible: (1) that it is not so much as hinted at in the Latin literature, (2) that to bolster up a preconceived patrician populus modern writers of great authority have either misused or ignored many facts, and finally (3) that the early Romans, like most primitive peoples, were not at all illiberal with their citizenship, but incorporated with themselves on terms of equality closely related folk, and did not begin to restrict citizenship until the fourth century B.C.

The next two chapters take up the very troublesome question of the establishment of the thirty-five tribes, and the arrangement, ascribed to Servius, of the centuries and classes as a basis for the census. Whatever else is true, the main fact is that Rome was growing, that the plebeians were increasing much faster than the patricians, and that the thirty votes of the comitia curiata were no longer representative enough. So a comitia centuriata with more votes, one hundred and ninety-three being the ultimate number, came into being, either modelled upon or closely bound up with the class rating for military service. To prove his main contention, that the "comitia centuriata developed from the early republican military organization, which was itself the result of a gradual growth," and therefore that "the army was at no time identical with the comitia centuriata," the author has made a study of what he calls the primitive Graeco-Italic army, and has brought together a mass of material which, although a bit bewildering, makes his theory extremely probable. However, granting that the army and the comitia centuriata were never identical, there is no reason why either could not have been identical with the other.

In part two of the book we come to the logical and uninterrupted history of the institutions for which the previous more controversial and disconnected chapters have been a preparation. At the very beginning Professor Botsford makes one of his most important and brilliant contributions in the discussion which shows that "whereas concilium is

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

singular, comitia is plural, a plural of the parts of which the whole is composed; in other words, the curiae, or centuries, or tribes, were originally thought of as little assemblies, whose sum total formed the comitia. Comitia therefore always has reference to the parts—the voting units—of which the assembly is composed, whereas concilium, as a singular, views the assembly without reference to its parts." Then, in a most convincing and orderly fashion, the author brings forward the three kinds of Roman assemblies: the (1) contio, a listening or witnessing assembly, which could not vote, the (2) concilium, a deliberative assembly, which could vote, and (3) the comitia in its three organized forms—curiate, centuriate, and tribal—which did vote. It is of course with these three organized comitia, their changing jurisdiction, their procedure, and their legislation, that the rest of the book deals.

A ceremonial meeting in which the Roman citizens were grouped in curiae, probably under sacerdotal influence, became, because of its convenient organization, the comitia curiata. Its powers were very vague; it met only at the call of the king or chief magistrate to hear proposals, but even if it rejected a proposal by its viva-voce vote it had no power to carry out its expression of will. Probably the only case in which it was entirely expedient to get strong approval from this assembly was for a declaration of war, for such an oral approval was the strongest sort of obligation the citizens could make. A most interesting fact becomes clearer in the progress of the study of this comitia curiata. All the acts of the two later assemblies, the centuriate and the tribal, were legal without the confirmation of the curiae, but *election* by either *required* the curiate sanction. With the proof that the curiae in republican times retained in form if not in substance all the powers which they had ever actually possessed, we come to the startling fact that the comitia curiata in its own right had practically no powers at all, but only some slight legislative and administrative activity conceded to it by the king, and that the people through it had, in the regal period, succeeded in acquiring but one function, that of electing the chief magistrate.

The second Roman assembly, the comitia centuriata, showing in its make-up so many pronounced military features, came into being at about the same time as the Republic. This new assembly, based on classes on a money rating, at once assumed the right to enact laws, and made itself a final court of appeal for capital charges. But it was not able to take from the senate and the magistrates any administrative power, so it is not unexpected to find that a third assembly more democratic in character soon usurped the field, and under the presidency of a new

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

official, the tribune of the plebs, from an assembly with ill-defined powers in 471 B.C., rose to the dignity of the comitia tributa in 451–450 B.C. It was then that the commons wrung from the patricians the Twelve Tables, which enunciated clearly for the first time "the principle that the will of the people, whenever expressed, prevailed over every other authority." From 451 to 287 ensued the most interesting struggle Rome ever had, namely, that of the consuls and quaestors against the tribunes and aediles; the former with the more influence and experience, and backed by the senate and the patricians, although relatively few in number, but great in cohesiveness; the latter with the more power and energy and backed by the plebeians, more in number but often for that reason unreliable in crises. Over the comitia centuriata, the assembly of all the landholders in which class distinction based on wealth had gerrymandered the plebeians to practically no representation at all, presided the consul; over the comitia tributa, also the assembly of all the landholders in a tribal representation, where numbers relegated the patricians to a small minority, presided the tribune. The comitia centuriata started with implicit powers: elective, that of electing the consuls; and legislative, of declaring war; and later it gained the judicial, the first instance being that of the power of appeal. The tribune started with explicit powers, that of *auxilium* and *ius agendi cum plebe*, and from these two original functions, the force of which was based ultimately upon the revolutionary power of the plebs, grew the authority of the tribune, and with him grew the comitia tributa, which gained elective, judicial, and legislative powers also. Little by little the comitia tributa extended its field of competence at the expense of the comitia centuriata. In 321, after the battle of Caudium, it took from the senate and comitia centuriata the treaty rights, recording in this way the first expression of the doctrine of popular sovereignty among the Romans and thus stepping into competence in international affairs. In some way it took from the older assembly the institution of new magistracies, and in 327 by the creation of the promagistracy, and by the occasional suspension of laws in voting *privilegia*, it made itself more and more powerful; but at the same time it undermined the old idea of the sovereignty of the law when it began to subject the making of laws or their abrogation more and more to popular caprice, so that Livy was justified in stating of the times: *iam regi leges, non regere.*

But with the enactment of the Hortensian law, in 287 B.C., which made the plebiscite of the comitia tributa in every way equal to the lex, and gave full constitutional freedom to tribunician initiative, it seems

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

more than strange, as Professor Botsford makes clear, that no outburst of legislative energy followed. Here the author is especially keen in his diagnosis of the situation. The initiative in legislation controlled legislation, and as soon as those in control got what they wanted, legislation ceased. During the rapid increase in power of the comitia tributa the "popular tendency might have created a real democracy had it not been for (1) the cleverness of the nobles in gaining control of the plebeian tribunate and in using religion as a check on comitial freedom, (2) and the rapid expansion of the Roman power, which drew the public mind away from internal politics." By the Ovinian law the leaders of the plebs were assured of places in the senate, by various laws they were allowed to hold the other magistracies, and by the Hortensian law the relations between tribunate and senate were fixed. And thus the patricians again overreached the plebeians. The plebeian leaders, having gained now that equality which they had so long sought, could no longer bear the aggressiveness of the common citizens, and for "fifty-five years, 287–232, there is no record of the enactment of a distinctly administrative law." However a period followed, 232–201 B.C., which Professor Botsford calls the Flaminian era, in which the assemblies not only gained what they had lost but more, and hosts of sumptuary, monetary, and private statutes were passed, and the "right of the people to grant dispensations from existing laws was recognized." But although the nobles recognized the people as sovereign, the people could not express their will through the comitia because of the checks on comitial legislation which the consul or senate could employ, and because of the lack of popular initiative, as the people could not convene for business unless summoned by a magistrate, and the magistrates, as has been noticed above, were now the willing ministers of the senate. The disasters which fell on the Roman army during the war with Hannibal were especially heavy upon the plebeians and did much to restrain their political activity, and under such "new circumstances the docility of the commons made possible the thorough organization of plutocracy on the basis of a democratic theory of government."

It was during this last mentioned "era of completed plutocracy, based on a recognition of popular sovereignty" that the nobles and the senate by the repression of individual freedom and the resumption of the function of dispensing from the laws and of appointing special courts again got control of the state. But it was their own undoing. A revolution broke out that swept both nobles and commons into the maelstrom of empire. Some of the more enlightened nobility began to see

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that the "economic ruin of the peasant class was endangering the state," and that agrarian agitation began which was really launched with the famous *lex agraria* of December 10, 134 B.C., proposed by Tiberius Gracchus. He and his brother Gaius, both as tribunes, set the comitia tributa to the task of regenerating society. But the composition of that assembly was ill suited for successful regeneration, for it had too many venal and selfish members from the city proletariat. And now began the downfall of republican institutions, and in that century of conflict there are indeed scores of most striking analogies to present conditions in the United States. The Italian historian Ferrero has of late brought them to public attention with a certain startling force. For the first time in Roman history an actual magistracy was abrogated. Professor Botsford shows clearly that it was not unconstitutional, but it was a very wide departure from custom and was unwise, for it gave an unprincipled assembly an incentive to depose a man unpopular for the moment, and it gave an unprincipled man the incentive to buy or to coerce constitutional power. For a time the continued popularity of the commoner Marius swayed the assemblies, then the military power of Sulla, then the money and influence of the First Triumvirate, then the genius of Julius Caesar. With Caesar's accession to the dictatorship in 49 B.C. the assemblies of their own free will yielded to him the larger share of their functions.

And so for centuries the Roman assemblies developed, and the Republic prospered; they declined and the Republic came to an end. They fought for progress, and for human rights, they made equality before the law a fact, they established dignity of procedure and freedom of debate, but they failed because the Romans did not understand how to break with tradition. It was not possible to retain, as the Romans did, three successive comitia with conflicting functions, ill-defined jurisdictions, and jealously guarded traditions, nor was it possible to satisfy a growing state with assemblies composed of unrepresentative city proletarians. The Roman assemblies with their mistakes and their triumphs are a priceless heritage, and *The Roman Assemblies* of Professor Botsford is a very worthy account of them.[1]

RALPH VAN DEMAN MAGOFFIN.

[1] I prefer to relegate to the obscurity of a note several unimportant criticisms. On page 220 there is a mistake in the sentence "ten centuries of juniors to the tribe", in the discussion on page 17 the author might have used the comment in Plutarch, Romulus, XXVI, at the end, beginning *leiton gar demosion* etc. The author is both fortunate and unfortunate in the fact that two very good

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Servian People, Their Past Glory and Their Destiny. By PRINCE and PRINCESS LAZAROVICH-HREBELIANOVICH. (New York: Scribner's Sons, 1910. 2 vols. Pp. 742.)

This is a history of the Serbs, who are spread over Servia and Montenegro, which are independent kingdoms, Bosnia, Herzegovina, Dalmatia and part of Istria, which are under Austrian rule, Croatia-Slavonia controlled by Hungary, the Old Servia, which is still a part of Turkey.

It is the only work in any language which adequately treats this important subject. It is a thorough, comprehensive and sympathetic account of a people who occupy an important place in present-day history as they have in the past. The few important works on Servia or the Servian people have been, for the most part, written in Servian or Hungarian and are therefore not generally accessible to the western student.

The authors seem to have answered the question of why Servia is reduced to its present weak position politically. The people are neither morally nor physically degenerate, and they have shown their fighting quality on modern as well as ancient fields. Two reasons appear for this state of affairs. While the Servians have always been ready to fight in defence of their homes, they have never shown a desire to fight for the sake of conquest, to subdue other people or to annex the territory of others. The Servian principle has been to live and let live. Surrounded by other people equally courageous but more ambitious, the Servian has steadily lost ground. The other reason seems to be a woeful lack, in modern times, of competent rulers and powerful statesmen. If Servia had had the services of a Stambuloff and a Ferdinand during the last thirty years, the tale might be different.

Volume I is divided into three parts. Part 1 deals with the physical characteristics, language, religion and customs of the race. Part 2 has to do with geographical features and with the political, economic and social conditions. Part 3 describes at length the civilization and culture of the Servian people from early times up to the present.

books which entrench on his subject have appeared since his own: J. Binder, *Die Plebs*, Leipzig, 1909, pp. xix + 630; E. Lefèvre, *Du Rôle des Tribuns de la Plèbe en procédure civile*, Paris, 1910, pp. 265. For the sake of completeness I might add to the bibliography: Pardon, *Die roemische Diktatur*, Berlin, 1885; C. Borgeaud, *Histoire du Plébiscite*, Geneva and Paris, 1887. J. Seidel, *Fasti aedilicii*, Breslau, 1908; Fr. Sobeck, *Die quaestoren der roemischen Republik*, Trebnitz, 1909.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The chapters on literature and art deserve special mention. The extent and variety of the literature is something of a revelation even to one fairly well informed in regard to the Servian people. We are impressed with the dignity and beauty of the epic poetry as revealed in the few literal translations which the authors have provided and decidedly regret that these translations are not more complete. This literature and this epic poetry in particular throws another sidelight on a people whose rules of thought and of action it is somewhat difficult to understand.

Volume II is an historical survey of the Servian peoples. Beginning with a history of the medieval Servian states, it carries us through the period of the Turkish conquest and supremacy to the Servian wars of liberation, the independence of the kingdom of Servia and ends with a short account of the political history of the Servian people since that time.

Whether the hopes which Prince Lazarovich-Hrebelianovich entertains for his people are likely ever to be realized is another question, but the ambition of the Servians is one with which we can at least sympathize.

The author is certainly well qualified to speak for his people. In his conclusion he says, ". . . the Serbs believe that, matching an alert will with opportunity, the inhabitants of the various regions of the Serb block of territory will, in course of time, as by the action of natural forces, come together into one great state . . ."

GEORGE FREDERICK ANDREWS.

Das Staatsrecht des Königreichs Griechenland. by DR. NICOLAUS N. SARIPOLOS. (Tübingen: J. C. B. Mohr, 1909. Pp. 1910.)

The recent constitutional upheaval in Greece, and the changes contemplated in its constitutional structure, bring into prominence the essay of Professor N. Saripolos of the University of Athens under the title "Das Staatsrecht des Königreichs Griechenland" which appeared in the *Oeffentliches Recht der Gegenwart*, edited by Von Jellinek, Laband, and Piloty. The writer in his brief history of the constitution of modern Greece tells us that the Hellenic kingdom, in the course of less than a century, had four periods of political life; namely, that of the Revolution from 1821 to 1832, during which the national interests were entrusted to a Provisional Government; that of the Absolute Monarchy

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

from 1833 to 1843; that of the Constitutional Monarchy from 1844 to 1862; and the fourth period from 1862 to the beginning of this year, in which the sovereignty of the people has been explicitly asserted and proclaimed in the Constitution. A fifth period may also be added to the above, on account of the contemplated changes to be undertaken by the next *Boulé* to be assembled for that purpose in January, 1911. As Professor Saripolos well observes, after the lapse of twenty-two centuries an Hellenic Assembly met again at Epidauros on December 20, 1821, to frame a Constitution for the newly born Grecian state. It should, however, be noticed that the Constitution then adopted was the work of a *de facto* government, namely of people who had simply asserted their independence without yet being recognized by any foreign state. As the author tells us, the framers of the Greek Constitution of Epidauros were under the influence more of the Declaration of Independence of this country than of the French Revolution. In fact, the following extract shows the similarity of the American Declaration of Independence with that of Greece. "Oppressed," said the Greek declaration, "by the horrible and arbitrary rule of the Turks, the Hellenic nation being unable to bear any longer the frightful yoke which a tryanny (of which there is no parallel in the world), has imposed upon it, shakes it off and declares to-day before God and men its political existence and independence." This tentative Greek Constitution guaranteed the liberty of conscience, personal liberty and the equal protection of the laws. On the other hand, in the subsequent Assembly held at Teoczena on May 1, 1827, an important resolution was passed in regard to sovereignty. It was then declared that the sovereignty has its foundation on the people; and all power is derived from the people; and that it only exists for the people. That showed the democratic tendencies of the Greek people from the first day of their assertion to constitute an independent body politic. In 1832 the newly born state through its National Assembly elected Count Capo d' Istria, a Greek,—then chancellor of the foreign affairs of Russia,—as its president, and after his assassination, a subsequent assembly offered the throne of Greece to Prince Otto of Bavaria, who, having accepted, was proclaimed king of Greece. Up to 1843 the first king of modern Hellas, ruled the country, more or less, as an absolute monarch, but in consequence of the rising of the people at that date, he was compelled to consent to the change of the form of government from absolute to constitutional monarchy, in which the sovereignty of the people was omitted. The legislative powers according to that Constitution, were exercised by the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

king, by a House and a Senate; the members of the former being elected by the people, those of the latter being appointed for life by the king. In 1862 a new revolution broke out, which compelled King Otto to abdicate. Therefore the National Assembly met subsequently again and framed a new Constitution much more liberal than the last. In 1863 Prince George of Denmark was elected as king of the Hellenes after accepting the new constitution. In the newly framed Constitution the sovereignty of the people was again asserted. The executive authorities were intrusted to the king, but were to be exercised through a responsible minister. The sovereign possesses only such powers as are invested to him by the constitution. The framers of the Constitution of 1863–1864 made a serious mistake in prohibiting, by Article 107, the complete revision of the Constitution, since nothing human can possibly be perpetual. According to that article only non-fundamental changes are permitted, provided the necessity for such changes are duly ascertained, and the *Boulé* passes a resolution to that effect in two successive sessions by a majority of three fourths of all its members. The king in such a case has no right to interfere. As Professor Saripolos well observes, this provision of the Constitution of 1863–1864 is in contrast with the Belgian Constitution, which served greatly as model to the framers of the Greek Constitution, according to the former the royal sanction being required for any changes in the Constitution of the kingdom. The Greek Constitution requires the signature of the sovereign only for the purpose of carrying out the popular will. A particular feature of it is that no titles can be conferred on any person and that even the offspring of the royal family cannot have any title whatever. Whilst, generally speaking, the Constitution guarantees the equal enjoyment of rights to Greek citizens only, by the law of 1856, in regard to civil rights,—except in few cases—aliens are assimilated to citizens. The Greek jurists seem to disagree as to the the true character of their king. According to some, he is the highest representative of the sovereign nation, and that as he does not possess the sovereignty, the title of majesty, which he bears, simply shows that he represents the majesty of the people. The view of Professor Saripolos is, on the other hand, that the king is not the highest representative of the nation, but one of the state organs through whom the national will is expressed. The king has no other powers except those that are invested in him by the Constitution and the laws of the land. Whilst the Constitution guarantees to the king the inviolability of his person, the queen and the other members of the royal family enjoy only honors and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

a special protection against insults by persons and the press. Therefore, they are not exempted, in principle, from the jurisdiction of the national courts. The interest shown to the royal family of Greece by the "Protecting Powers," namely by Great Britain, France and Russia, is attested in a tangible manner by the yearly grant of 300,000 francs, made by them to the king. As a matter of fact, that money is derived from the renunciation of part of the interest of the public debt of Greece guaranteed by their powers. The framers of the Constitution of 1863, fearing a repetition of arbitrary power, as was the case with King Otto, favored the system of a single legislature. It was thought, rightly or wrongly, that the existence of another house, namely, of a senate, might strengthen the king and weaken the national representation. The *Boulé* meets *ipso jure*, yearly on the 1st of November, unless the king convokes it before that date. The king may dissolve the *Boulé*, but the act of dissolution should be countersigned by the ministers. Such, in short, is the sketch of the Greek Constitutions given by Professor Saripolos. The book is full of valuable annotations and references, which shows the learning of the writer, and his special knowledge of the subject.

THEODORE P. ION.

Handbook of International Law. By GEORGE GRAFTON WILSON. (St. Paul: West Publishing Company, 1910. Pp. xxi, 623.)

Professor Wilson has recently been called to the chair of International Law at Harvard University. He served as one of the American delegates to the International Naval Conference, a mission for which the experience gained by him in connection with the Naval War College peculiarly well fitted him.

The book before us is one of the Hornbook series, and, accordingly, it ought to be judged in the light of the requirements necessary to make it conform in general plan to other books of the series. This does not always permit an author to display his talents to the best advantage. In the present instance, the author has well performed his special task.

The book is intended as a manual for facile reference. It presents the topical principles (which are printed in black-face type) in the light both of their historic interest and of their present practical significance.

Besides the Introduction, the book is divided into six parts bearing respectively the following titles: "Persons in International Law,"

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"General Rights and Obligations," "Intercourse of States," "International Differences," "War," and "Relation of Neutrals."

The viewpoint and most of the authorities cited are American. Particular attention is given to situations which, from their nature, arise more frequently on the Western Continent than in European countries. The author, for example, has made a careful study of the subject of the status of insurgency. As the commerce of the United States with its neighbors to the South tends to increase, a fixed and consistent policy upon this subject becomes more and more desirable. Experience has shown that the parent state almost invariably seeks to gain advantages by maintaining in theory, if not in practice, a blockade of insurgent ports. As a result, diplomatic representation has often attempted to accomplish what has been left undone by naval forces. It seems to be well established that a foreign state need not recognize an ineffective blockade of insurgent ports, though, as Mr. Bayard once said, the insurgents might thus be supplied with arms. The doctrine thus applies the rule of belligerent warfare to insurgency and is liable to cause distrust of the stronger by the weaker nations unless accompanied by a strict enforcement of neutrality laws, especially at domestic ports.

The reasons governing the conduct of nations in land and naval warfare are succinctly summarized in Part V. In this field, much of the practice of nations prior to the adoption of the Hague Conventions, is now ignored by text writers, which is significant of the change effected in a system once predominantly based on customary law, but now tending toward codification.

The rules of the Hague Conventions and those of the Declaration of London, have been worked into the text of the book. Usually, as for instance in respect of contraband, the violation of blockade and continuous voyages, the conflict of the principles supported by the various nations has been given, so that the conciliatory nature of conventional regulation may be more easily observed by the reader. The articles of the Declaration, as M. Renault has observed, represent, for the most part, a *media sententia*.

A hasty reader might gain the impression from certain passages that the principles of the Declaration are settled law. This was certainly not the intent of the author, as many of the Powers have not yet signified their adherence. The notable achievements represented by the Conference will not be lost, however, even though the Declaration fails of complete ratification. The objection made by some English writers that it does not absolutely prohibit the destruction of prizes, is petulant

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

criticism indeed. The author does well to make full use of the principles which it enumerates, for it stands to-day, in the words of Sir John MacDonnell, as "one of the most important instruments in the history of international law."

"International law is a growth and is growing." The limits of the author's task set by the plan of publication have prevented him from laying much stress upon the formative aspects of his subject, but he has rendered a valuable service in presenting the actual state of international law at a period marked by conventional regulation. He has made a sincere effort to reduce the rules of the science to certainty so that it may never again be stigmatized "as a haphazard collection of arbitrary rules resting on a fanciful basis and fortified by a wordy rhetoric."

ARTHUR K. KUHN.

The Interest of America in International Conditions. By A. T. MAHAN. (Boston: Little, Brown, and Company, 1910. Pp. 212.)

This is a stimulating book on a timely subject by a writer of international reputation, who has given much attention to international policies and problems and their bearings on American interests. It may be regarded as a sequel to the author's earlier book on *The Interest of America in Sea-Power Present and Future.* It is a luminous and penetrating survey of international conditions, together with a masterly interpretation of significant events which will prove highly interesting and profitable to all who are attracted by foreign politics.

It furnishes a careful review of a phase of world power problems illustrated by the efforts of Germany to assume the hegemony of Europe, the paramount importance of the British navy in world politics, and the interests of the United States as expressed in the theories of the Monroe Doctrine and the Open Door in the Far East. With calm, unsentimental but resistless reasoning it indicates the policy for the conservation of American interests.

Captain Mahan deplores the provincialism which notoriously characterized our early history as a nation—excluding a proportional sense of our relations to other communities, making us indifferent to international conditions, and especially prejudicing us against association with European policies. With the passing of the period of internal

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

dissension which threatened us with political disintegration, he thinks we can follow the example of European nations which after extricating themselves from their earlier internal difficulties, entered into a movement of self-preservation by concerted action with other states to maintain an equilibrium and resist oppression—a movement to secure peace by coöperation on an established basis of internal equity which would give equality of conditions and opportunity.

Seeking for the germs from which have sprung the present decisive characteristics of European international relations and shifting equipoise, he finds them in two historical facts of 1815; the material prosperity and world system of insular Great Britain, to whom preponderance in Europe had really already passed (though almost unnoted) in 1713, and the disunion of the German race, which so long handicapped Germany politically and industrially and delayed her entry into world politics as the prototype of the concentrated Roman Empire subordinating the interests of the individual to those of the state.

In the rivalry and antagonism of Germany and Great Britain—a rivalry which does not involve the necessity of war but whose incidents may result in war—he finds the central factor in international relations, the danger point not only of European politics but also of world politics. To the menace of recent German progress felt in the world of politics, especially since Russia, preoccupied in the Far East by encouragement of Germany, was seriously crippled there by the mistaken alliance of Great Britain with Japan, he attributes the Triple Entente of Great Britain and her former antagonists, France and Russia, which the German chancellor has denounced as an attempt to encircle and isolate Germany. In the power and present policies of united Germany with her recent European progress, her rising sentiment of political unity, her pride of international position achieved by union contrasted with the weakness of centuries of disunion which finds expression in nation self-assertion carried to the point of aggressiveness, and reënforced as she is by the power of Austria-Hungary, which makes her stronger (except in naval force) than the forces of the Triple Entente, he recognizes a fact upon which the contemporary world needs to fasten its attention. He sees the future possibility of a large German navy rendered supreme by the fall of Great Britain, with a supreme German army able to spare a large expeditionary force for over-sea operations—a possibility emphasized to the point of probability by the budgetary difficulties of Great Britain, the general disorganization of Russia, and the arrest of the population of France. He sees in Germany's approach-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ing supremacy a great danger to the welfare of the world similar to that of France under Louis XIV with all of its resulting uncertainties.

Captain Mahan concedes that Germany naturally feels the necessity of restricting the movements of her rival. In spite of being handicapped from the outset, she has recently secured a preponderance of organized power and purpose resulting from a combination of necessities, and she feels compelled to maintain her lead. While seeking new markets abroad where she can compete on equal terms with other nations, she feels a lack of opportunity in the apparent natural developments of the future and is ever reminded that her rival occupies an advantageous insular position on her road to the sea and with a strong defensive navy maintains a supremacy in European seas, has a potential latent control of German commerce, and is an impediment to Germany's career such as Cuba under a strong power would be to the career of the United States. The author concludes that Germany is compelled to a ship-building competition with England, and he seems to see the possibility of a sudden invasion of England by a strong German force sufficient to overpower all organized opposition during the absence of the British fleet, which is the sole military force strong enough to stand opposed in the balance to the German army.

Considering that Great Britain, although she still occupies the key of the general international situation, in a competition of force is inferior to Germany in efficient organization and in concentrated numbers, Captain Mahan recognizes the necessity of new understandings and combinations to maintain the balance. Admitting that "the future bristles with questions" in which the United States has specific as well as general interest, and that American interests are affected by European politics now as heretofore—and, in the present unstable and increasingly ominous conditions, apprehensive of Germany's future policy in general, and especially in its bearing on South America—he favors more concerted action of the United States with European powers, and especially an understanding or coöperation with the British Empire, with which we have political traditions in common and a mutual interest in maintaining that balance of power which to-day (as formerly) is the key to European politics, which gave substantial reciprocal support to the American pronouncement of 1823, and of which the Monroe Doctrine itself is an enunciation. In fact this policy is not new. The United States by care taken to act in consultation and agreement with European states in certain lines of American policy has already implicitly admitted that she "can no longer accept America and the Monroe Doctrine as

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the final limitation of her relations to the community of states." This view has been emphasized by new conditions and opportunities in the restless changing East, where European and American interests meet and assume increasing importance with the new conception of a balance of power between East and West and with the necessity at a critical time of maintaining in unconsolidated China the Open Door, to-day the most conspicuous feature in the general policy of the Pacific Ocean. The Open Door is really "but another way of expressing balance of power" and equal opportunity between the western nations, each of which might otherwise seek its own advantage and produce a sense of insecurity. It has for its corollary the integrity of the Chinese empire. Events of the last decade (especially since the defeat of Russia by Japan), which have materially and gravely affected the equilibrium of Europe, producing a "new European era," may affect the United States, if not directly, at least indirectly, by their influence in other parts of the world and necessarily involve her in understandings with other nations almost all European. Fluctuation in the relative power of the European countries cannot now be matters of indifference to the United States, and in fact they never have been entirely so.

Although Captain Mahan fears the effect upon the present balance of power which may result from Germany's growing naval supremacy, for which her present program calls, he points out that under present exigencies of balance of power, with competing German and English navies guarding against one another in the North Sea, which may cause neutralization or reduction of European influence in world politics relating to the Farther East, it is probable that the United States and Japan are, each in her special sphere of interests, less affected than in 1898, when Great Britain probably prevented European interference between the United States and Spain, or in 1904 when she formed a mistaken alliance with Japan which probably prevented France from supporting Russia.

Since no European power can hope to give to Great Britain a naval support without entailing also a land war against military preponderant Germany, to which no continental nation is now equal, the author concludes that Japan and the United States are the only two world powers that can afford to help Great Britain with a naval force.

In considering the question of a balance of power in the Pacific as it bears on the question of the Open Door, in which the United States has a peculiar interest, and a peculiar opportunity through nearness and through the Panama canal which will enable her to concentrate her

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

naval force, he says the effective power of the United States in the Pacific has been favorably modified by the recent development of the German navy which will fasten the British navy to British waters, and by a resulting state of tension which will hardly permit either Germany or Great Britain to divert much force to the Pacific or to infringe the external policy of the United States represented in the Monroe Doctrine. With Japan, the only other naval power which is left to represent the balance of power in the Pacific, he seems to suspect more danger of friction and collision and suggests the advisability of concentrating the United States battle fleet in the Pacific convenient to our Pacific coast, which "under present world conditions seems incomparably the more exposed of the American shore lines."

Though he sees cause for suspicion in the recent Russo-Japanese convention which so quickly followed the American proposal to insure the neutralization of the railroads in Chinese territory, he indicates his belief that in the presence of the contrary interests of Russia and Japan in the Far East—deep causes of variance which must eventually receive a solution or exhibition of force which Russia now has in preparation—such coöperation between a recently quarrelling couple can be but temporary.

JAMES MORTON CALLAHAN.

Municipal Franchises: A Description of the Terms and Conditions under which Private Corporations Enjoy Special Privileges in the Streets of American Cities. By DELOS F. WILCOX, Ph.D. Vol. I: Introductory, Pipe and Wire Franchises. (Rochester, New York: The Gervaise Press, 1910. Pp. xix, 1–170.)

Notwithstanding the volume of the contributions that have been made during recent years to the literature concerning public-service corporations, there still remains an important part of this field that has as yet been covered to a very inadequate extent. We have now, on the one hand, excellent works expository of the law of franchise rights, and quasi-public corporations, and, on the other, equally good treatises on the political problems involved in the subjection of the operation of these corporations to proper governmental supervision and control. What is lacking is a body of technical literature dealing with the actual means by which this supervision and control can be most effectively

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

exercised, and, as the necessary basis for this, the specific provisions which, in the interest of the public, should be found in the ordinances granting the franchise rights.

The reviewer was, for a number of years, Chairman of the Committee on Franchises and Public-Service Corporations of the Executive Council of Porto Rico, the body which, in accordance with the provisions of the organic act of the island, and of the Public-Service Corporations Act, passed by the Insular Legislature, had the duty of granting all franchises, privileges and concessions of a public nature, whether insular or municipal, and of regulating the rates and conditions of service to be maintained under such grants. Generally speaking, this Committee had little difficulty in deciding upon the broad lines of policy that should be followed by it in performing its duties. When it came to the actual work of drafting the franchise ordinances, regulations, etc., however, it found itself very seriously embarrassed by the lack of authorities which would assist it in this technical work. There can be little doubt that all members of legislative bodies, municipal councils, commissions, and like bodies having to do with the work of drafting franchise ordinances or regulations for governing the operations of public-service corporations have felt a similar need for material of this character. It is in the meeting of this need that the present work of Dr. Wilcox constitutes an exceedingly welcome addition to the books we now have bearing on the subject of public-service corporations.

Though not in the form of a technical manual, this work goes so much further than any other work in the way of considering the technical details of franchise grants, and of pointing out the specific precautions that should be observed by the granting or regulating body, that it will certainly prove of the greatest utility to all persons having duties to perform in respect to this important branch of governmental activities.

The entire work will consist of two volumes. This, the first volume, may be divided into two parts, the one of five chapters giving a general discussion of franchise problems and the other of sixteen chapters in which each kind of pipe or wire franchise is taken up for special consideration. The most important of these are those having to do with electric light, heat and power plants, water works, gas works, telegraph, telephone, messenger and signal services, though it is astonishing how many other kinds of franchise services there are that have to make use of pipes, wires and conduits in the public streets.

The general discussion of franchise problems, though traversing ground covered by other works, is especially interesting on account of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the fullness with which the author has brought out and contrasted the various ways in which the public may seek to secure a proper participation in the benefits and profits of franchise enterprises, and the clearness with which he has traced the evolution of public opinion in respect to this point.

The method of treatment employed in the second part is to take up separately each kind of franchise, give, first, a general consideration of its character and importance, and, then, follow with a series of notes, under appropriate marginal headings, descriptive of the character and terms of franchises of the class under consideration granted by different municipalities. This method of treatment leaves much to be desired. A more systematic analysis of the provisions that should be contained in a franchise of each class, followed by a consideration of each of these provisions, topically, with a statement under each topic of the way in which it had been actually handled in franchises granted by different cities, together with critical comments in respect to the merits and defects of such methods of handling, would have furnished a more scientific and practically useful exposition of the subject. Too much emphasis, however, should not be placed on this point, as the author has an exceedingly difficult body of material to deal with. He has, moreover, sought to facilitate the use of his work in every way by the liberal use of marginal headings and the inclusion of an unusually full and carefully prepared index. Another feature of value is the list of authorities consulted in the preparation of the volume. These authorities consist, for the most part, of reports of city authorities, commissions, public-service companies, special compilations of charters and franchises, and other material which, while constituting the real original sources of information, can be found only to a slight extent in the ordinary library.

The second volume, it is announced, will not only consider specially the different classes of transportation franchises, but will contain chapters treating of constitutional and statutory limitations on local franchise grants, popular control of public-service corporations, the function of public-service commissions, the taxation of franchises, and other general features of the franchise problem.

W. F. Willoughby.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Great Cities in America. By DELOS F. WILCOX. (New York: The Macmillan Company, 1910. Pp. 426.)

This volume is a recent addition to the valuable Citizen's Library of Economics, Politics, and Sociology, and will be of general interest to all students of American government, and of especial local interest to residents of the cities described. Considerable difference of opinion is bound to follow its reading by persons of the latter class.

After a brief introduction dealing with the nature of the modern city, its growing importance and influence in political affairs, and the conditions peculiar to cities in America, the author discusses in turn the following six leading cities: Washington, New York, Chicago, Philadelphia, St. Louis, and Boston. The form of government, including charters, organizations, and activities, municipal finance, and municipal improvements are among the most important topics treated under each. With this material is combined considerable municipal history, including efforts at reform, their successes and failures. The author refrains from drawing comparisons or from using statistical charts or tables.

The general conditions and problems of each city are indicated, the author usually limiting himself to a statement of facts, although occasionally he expresses his observations or opinions in the form of broader generalizations. For instance, the anomalous political situation in the District of Columbia is severely criticized; the encouraging future of New York City is pointed out; the energy and power of Chicago are emphasized; and the relative stagnation in the growth of Boston is noted. A final chapter outlines the problems of great cities, with especial reference to city growth, and to the relation of great cities to concentration of power on the one hand and to democracy on the other.

While the picture drawn by the author is in many ways a dark one, he gives the impression of being broad-minded, impartial, and thoroughly informed; and hopeful signs already in evidence, as well as the lines along which municipal reform is most needed, are pointed out. An underlying optimism concerning the future of the American city and the ability of the American citizen to solve its problems brightens an otherwise sordid account of inefficiency and dishonesty. This suggestive book will be read with interest and profit not only by students of political science but by all who value intelligent citizenship in municipal affairs.

RAYMOND GARFIELD GETTELL.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Health of the City. By HOLLIS GODFREY. (Boston: Houghton, Mifflin and Company, 1910. Pp. 372.)

Few questions are of more pressing importance at the present time than that of sanitation, especially in the great urban centers. Any book, therefore, that deals with this topic in a way that will appeal to the average citizen, that is free from technical scientific or medical terms, is valuable and needed. City dwellers, many of whom are ignorant or careless, and others of whom are opposed to public interference with what are considered private affairs, need to be aroused to the possibilities of scientific methods of safeguarding city health, and to the results of the application, in some cities at least, of such methods.

This book brings together the results of studies based largely upon the observation and investigation of actual conditions. Its chapters deal with such subjects as City Air, Water, Milk, Food, Ice, Noise, Waste, Plumbing, and City Housing. It discusses nuisances such as Smoke, Dust, Sewer Gas, and Noise. It shows the necessity of cleanliness and indicates the chief sources of infection in milk, food, water, and ice. It considers the relative values of different foods and the question of governmental regulation and inspection. The disposal of sewage, the danger from fire, and the evils of the slum are also included.

While some of these topics have been treated in a more satisfactory way by other authors, few single books combine so wide a survey of the conditions that threaten good health among city dwellers with so sane a discussion of the methods of prevention or improvement that may be applied as remedies. The chapters on Ice, Sewer-Gas and Plumbing, and The City's Noise, especially the latter, are particularly interesting, dealing as they do with less hackneyed subjects.

Many of the chapters contained in this book appeared originally, in a slightly different form, as magazine articles; and they combine, in a rather unusual way, attempts at literary style with semi-scientific material. In several cases the transition from the diction of the one point of view to that of the other is somewhat startling. On the whole, however, the book is a valuable and suggestive study of a phase of municipal life much neglected in America, and in sore need of serious consideration. The selected biography contained in the final chapter, and an excellent index, are among the most valuable features of the book.

RAYMOND GARFIELD GETTELL.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Introduction to Political Science. By JAMES W. GARNER. (New York: American Book Company, 1910. Pp. 616.)

The aim of the author, as stated in the preface, was to write a text book on the state, elementary in character, but "covering a wider range of topics" than is usually dealt with in such works. It includes chapters on the nature, scope and methods of political science; on the essential constituent elements of the state; on the functions and sphere of the state; on citizenship and nationality; on constitutions—their nature, sources and kinds; on the distribution of governmental powers; and on the electorate.

The author does not claim to have treated the subject in an exhaustive manner, but to have "set forth in an elementary way the more important theories concerning the origin, nature, functions and organization of the state, and to analyze and criticize them in the light of the best scientific thought and practice." At the head of each chapter is a selected list of the English, French, German and Italian literature on the subject. The marginal notes, index and the mechanical make-up of the book are satisfactory.

The style of the author and manner of treating the subject is not all that one could desire in a text designed to introduce the college student to the study of political science. The beginner is not apt to be attracted by a book nearly every page of which is made up of short quotations from several different authors, statements of opposing views of writers of all ages and countries, with comments and criticisms thereon, even granted that these are always made "in the light of the best scientific thought and practice." While the author has done remarkably well with this method of treatment, one could wish that he had selected a better method. The student is apt to get the impression from reading this book that Political Science is a science of the opinions and views of publicists, rather than the theory of the state, as the author says it really is.

The title, *Introduction to Political Science*, might indicate that the treatise was intended to be a first book in the study of government, but this is not a necessary inference, since the author uses political science as equivalent to political theory. As a first book in political theory for college students it is probably the most comprehensive, systematic and on the whole the best available, in spite of its obvious defect. In such a course elected by students who have pursued the descriptive courses on government, it will serve a useful purpose, but as a first

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

book introducing the collge student to the study of modern states and their governments it does not commend itself in my judgment. The experience of college instructors in political science, and, particularly, the progress made in teaching the subject in the past ten years must convince us that the proper way to introduce the subject of political science is through the descriptive courses dealing with our own and some selected foreign governments,—elementary courses made as concrete, and given with as little theory as possible. Accordingly, would it not be better to label such texts as this one of Professor Garner's—"Introduction to Political Theory," or simply "Elements of Political Theory"? There ought to be one term consistently used by our publicists to designate the entire field of the science, in its descriptive, historical, theoretical, and legal aspects, and "Political Science" is naturally the proper one to employ. Certainly there can be no good reason why we should continue to use political science in the restricted sense of political theory, as many writers in the past very properly did, when the science treated of nothing but theory.

The judicious temper of the author, his eminent fairmindedness in dealing with the views of others, his painstaking care in collecting his material, and the logical organization of it, are all admirable features of the book. The book is a laborious piece of work, searchingly and thoroughly done, and will find its proper place among the best available college texts on political theory.

WILLIAM A. SCHAPER.

American Government and Politics. By CHARLES A. BEARD. (New York; The Macmillan Company, 1910. Pp. 772.)

This volume was prepared for the use of college students and citizens wishing a general survey of our political system. In conjunction with a companion volume of *Readings on American Government and Politics*, published a year ago, the work is intended to serve as a basis for an introductory course in the subject.

As indicated in the earlier volume of *Readings*, Professor Beard has not followed traditional methods in the treatment of his subject. The study of government in these volumes is approached not only from the standpoint of an analysis of constitutions, statutes and other well known documents but also from the point of view of the customs, devices and complicated organizations developed to obtain control of public power

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and to use this power to secure specific ends. Government, it is held, must be dealt with as an organization devised by practical men for very definite practical purposes. According to this view the principles and practices which guided men in the actual operation of government are to be found rather in the dry records of political conventions and legislative sessions than in the formulation of political theories which too often represent arguments and opinions prepared in such form as to win the confidence of the masses.

Guiding the student through the field of political records, Professor Beard takes him into the sanctuary where the principles and practices of government are formed. Government is made to appear a living, working, developing organization, molded at all times by the peculiar characteristics and ultimate purposes of the men at the helm. Consequently the discussions of the provisions of the federal Constitution has been reduced materially to give an opportunity for a full consideration of the way in which the governmental plan formulated in constitution and statute has been made to work. Thus party organization, principles and practices receive full treatment. Administrators, members of Congress and many public officials are called to witness how things as represented in theory and outlined in formal documents are modified, transformed or veritably re-made under the effective power of party machinery.

Such subjects as the ballot, initiative and refendum, recent changes in the forms of municipal government, the movement for conservation of natural resources and the improvement of society through legislation for social betterment receive here the best treatment to be found in any introductory volume. A feature of these discussions is the full and fair consideration given to the controversial questions of modern political life.

The author's treatment of the subject is so assiduously based upon facts, and every feature of the American government is described in such detail that beginners in the subject will no doubt find difficulty in using the book to advantage. The interesting style throughout the volume and the illuminating extracts in the *Readings* will greatly aid students in interpreting and understanding the facts and discussions which are so characteristic of the work. No effort seems to have been spared in making the work accurate, thorough and strictly reliable. In the preparation of these two volumes Professor Beard has materially lightened the burden of teachers of this subject in the colleges and universities and has rendered effective service to citizens interested in the cause of good government in the United States.

CHARLES G. HAINES.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Cost of Our National Government: A Study in Political Pathology. By HENRY JONES FORD, Professor of Politics in Princeton University. (New York: The Columbia University Press, 1910. Pp. xv, 1–143.)

To persons interested in the cause of good government, the most encouraging indication that actual progress is being made is the increased attention that is being given to the practical problems of governmental organization and administration. The period when political science concerned itself almost exclusively with questions relating to the political character and constitution of public bodies, happily, has passed. Intense activity is now being manifested in all matters having to do with the actual administration of governmental affairs. Here, too, fortunately, the stage of general discussion is behind us, and the most important work that is being done concerns itself with the concrete specialized problems. It is only necessary to refer to such important undertakings as those conducted by the Bureaus of Municipal Research, the Merriam Commission in Chicago, the Boston Finance Commission, and the Pittsburg Civic Commission, to demonstrate how important a place these questions now occupy in the general program of governmental reform. In this significant movement, the National Government now occupies a prominent place through the great personal interest which President Taft has shown in the matter of reducing the expenses of the Federal Government, and putting the conduct of its affairs upon a more efficient basis. Through his initiative the Congress has voted an appropriation of $100,000 to be expended under his direction in carrying through the necessary investigations into the business methods of the Government and the inauguration of reforms in such methods where found to be desirable. This work is now being prosecuted through a central bureau of economy and efficiency created for that purpose and special committees that have been created by his order in each of the executive departments.

The foregoing is stated for the purpose of showing how peculiarly timely is this study which Professor Ford has given us of the cost of our National Government. It often happens that the secondary title of a book is more illuminative of its real character than its primary title. This is true of the present work. The author has not contented himself with giving a mere descriptive or statistical account of the cost of running the Federal Government. Instead he has given us a real study in political science, by examining in a scholarly way the fundamental

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

causes responsible for the great increase in Federal expenditures which has been such a prominent feature of our national life during recent years.

The problem of the cost of government has two phases which may be described by the two words used by the President in organizing his inquiry—economy and efficiency. It is perfectly evident that waste and loss may result, on the one hand, by expenditures being authorized which are unwise or unnecessary, and, on the other hand, by a failure to expend the money authorized in the most efficient and economical manner. This distinction is fundamental; and, though clear, it needs to be emphasized, since there is a too-strong popular impression that the administrative machine at Washington is an exceedingly wasteful organization, one which is insatiable in its demands for money and expending in a very inefficient way that which it does receive. This is hardly a correct picture. It is not contended for a moment that great room for improvement does not exist in these respects, but neither is the executive service of the Federal Government more unreasonable in its requests for appropriations than the administrative services of the states and cities, nor is it primarily responsible for the great increase in the expenditures of the National Government that has taken place in recent years.

It is the great merit of Professor Ford's work that he has centered his attention on the Congress itself and has thus gone to the very seat of the evil of extravagance and wastefulness. It is the ill-advised expenditures for public works, public buildings, special pensions, unnecessary ship-yards or naval stations, pension agencies, and the like, most of which, instead of being petitioned for, are actually opposed by the administration, that are responsible for national expenditures exceeding legitimate bounds. The author makes no new discovery in pointing this out, nor presents any novel explanation of its occurrence in calling attention to the extent to which these appropriations are secured through the vicious practices of log-rolling and the pork barrel. What he does deserve credit for, however, is that he has not stopped at this point, but has pushed his inquiries further in the attempt to determine why such practices should develop and prove so difficult of eradication. This he finds in those most characteristic features of our governmental system:—the supposed desirability of keeping separate the legislative and executive functions of government and the absence of a responsible cabinet. The fundamental cause of the evil is that, with us, the administration is not responsible for appropriations. On the contrary, its

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

wishes are continually disregarded by the Congress; and the demands of the President for economy too often fall on deaf ears. "Under the English constitutional system no appropriations can be voted unless the administration accept responsibility for it by a specific recommendation."

In developing this and other features affecting the matter of expenditures, Professor Ford has entered into the details of the workings of our governmental machinery and particularly the manner in, and conditions under, which the Congress acts in voting money. His study is thus one of value to all students of political science whether or not they are specially interested in the particular problems under discussion. The book represents the putting into print of the series of lectures delivered by the author in 1909 in the Columbia University under the George Blumenthal Foundation.

W. F. WILLOUGHBY.

Government Ownership of Railways: Considered as the Next Great Step in American Progress. By ANTHONY VAN WAGENEN. (New York: G. P. Putnam's Sons, 1910. Pp. 255.)

The present work does not pretend to be an exhaustive or scientific treatise. It was written for the purpose of stimulating interest in a subject which the author thinks must soon become a vital question in the United States. Hence it is a popular treatise, in the sense that it is intended to give a sketch of the subject which shall be within the comprehension of the general reader, a presentation of an important and very complex question in such a form that "the busy man may be able to read it restfully."

But while it would not be fair, in view of the purpose of the book, to criticize it for not sounding more deeply the difficulties of the situation, we must insist that no work, however professedly popular, which deals with problems of government can be excused from the duty of giving due emphasis to the importance of the difficulties they present, however briefly these difficulties be disposed of. Perhaps this proper placing of emphasis is all the more necessary in a popular treatise than in a scientific one, for in the latter the reader is able to form an opinion for himself from a consideration of the facts. It is certainly so, when the subject concerns a problem which is both technical and complex in character, and entirely out of the field of *a priori*; or *a pari* reasoning.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

If government ownership of railways would mean such a radical change in the policy of the country, it is surely unwise, to say the least, to urge its adoption without carefully warning the public of the dangers which lie in the way.

It is on this point that Mr. Van Wagenen's brief for government ownership is not satisfactory. His sympathies lie wholly on the side of government ownership, and his enthusiasm for it makes him impatient of the arguments which have been advanced against it. He shows clearly enough the defects of our present system, a fact which few would be disposed to deny; and clearly enough how they could be remedied under government ownership if we can fancy the existence of the ideal conditions required; but he wholly fails to meet the difficulties of the probable situation under government ownership. More serious than the difficulty of financing the undertaking, and the difficulty of securing efficiency of operation by a rigid application of civil service rules, is the problem of adjusting government ownership to our political system. To what extent would the conflicting interests of the different sections of the country become a factor in politics, and operate to create new party lines in Congress? Could a compromise be reached and some system of rate-making be adopted which would satisfy the states whose commercial situation is weakest as well as those whose situation is strongest? We do not say that these difficulties are insuperable, but we wish to make clear that they are not trifling and cannot be lightly waved aside. Comparisons with the results produced by government ownership in foreign countries are instructive and suggestive, but in no way convincing, since the extent and complexity of our railroad system and the diversity of the commercial interests involved put the question of government ownership in the United States in a class by itself.

C. G. FENWICK.

Great Britain and the Illinois Country, 1763–1774. By CLARENCE EDWIN CARTER. (Washington: American Historical Association (Justin Winsor Prize Essay for 1908), 1910. Pp. viii, 223.)

This is a minute and painstaking study of conditions in the settlements in a part of the Northwest country from the time of the cession of Canada by the French to the English down to the passage of the Quebec Act. It is well documented and contributes some light on an

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

obscure portion of American history. The author has studied in many libraries and has made extensive use of manuscript sources. He really deals thoroughly with two subjects: (1) the condition of the French settlements in Southern Illinois, and (2) the plans for settlement and government in that territory and in the lands adjacent thereto. In discussing the former subject, it would have been more entertaining, had not the author confined himself so rigidly to constitutional and legal history; but had also given an account of the social and economic life of the settlements. A man, however, has a right to choose his own subject and we may not quarrel with its scope, if the author covers the ground he has marked out for his own. He treats trade conditions quite thoroughly and it would have been an easy step to have gone on to a general discussion of social and economic questions.

The British government was scarcely aware of the existence of these few settlements with their scanty hundreds of inhabitants, when the French possessions in North America passed to Great Britain, and was quite uncertain as to whether it was desirable to have the Western country settled, or left open to the Indians for the benefit of the fur trade. Dr. Carter treats with fullness the *de facto* military government of the Illinois country and the attempt made by the residents to secure a civil government. He has a valuable discussion of "Schemes for the Colonization of the Illinois Country" and prints as an appendix the full text of a noteworthy memorial of the Mississippi Company of Virginians and Marylanders to the King in 1763. There are a few typographical errors, the most important being 1766 for 1768 on line 5 of page 60. The appearance of the book is much improved over that of the first volume of these essays, but the paper seems hardly satisfactory and the title on the cover does not contain the first part of the title on the title page. A very full index even includes the books cited in the footnotes. A bibliography of fifteen pages is too long and too short. It includes many books which have scarcely been used in the study and yet it seems not a complete list of books dealing with the early history of the States formed from the Western country. The annotations are too short and are not found attached to the titles of all the books. The classification of the bibliography is not good and some of the references are too indefinite, as in the case of Turner's "Indian Trade in Wisconsin," which is merely referred to as in the "Johns Hopkins University Studies," without naming the volume. The author is too severe in his comment on "popular" works, which do not give "reference to sources."

BERNARD C. STEINER.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

BRIEFER REVIEWS

The Frankpledge System. By William Alfred Morris. (Harvard Historical Series, XIV. New York: Longmans, Green, and Company 1910. Pp. xiii, 194.) In this volume Professor Morris has made an important contribution to our knowledge of English police methods in the middle ages. Various aspects of the frankpledge system have been presented by earlier writers, particularly the matter of origins, but Professor Morris is the first student who has undertaken to write a complete account of the institution in all the phases of its development, constitutional as well as historical, The author accepts the view that frankpledge originated in the identification of two separate and unrelated Saxon institutions, surety (*bohr*) and tithing. From the former it received the characteristic of reciprocal responsibility; from the latter its character as a rude police force and its decimal basis of grouping. This identification, the author believes, must date from the reign of William I, though the complete development of the system was not reached before the days of Henry II. Where the basic institutions were wanting, frankpledge never developed; the institution was, therefore, not found in the border counties of the west or in the shires north of the Humber.

The most valuable chapters in the volume are those that deal with the organization and functions of the system and with the view of frankpledge or the sheriff's tourn. In these we have full discussions of what classes were pledged and what were exempt; of the office and duties of the capital pledge; of the collective responsibilities of the tithing; of the institutional merits and defects of the system. These chapters also give us some insight into the actual workings of the institution as a part of the local government, as an active force organized for the maintenance of peace and rider, for the pursuit of criminals and to provide means for their detention till the day of trial. On these points, however, we should be glad to learn more.

Professor Morris finds that the decline of frankpledge as an efficient system "dates from the very period in whch the complete centralization of the machinery for its maintenance was achieved," though survivals of the system are found as late as the nineteenth century. It was already antiquated in the days of Edward I and was soon superseded in

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

most of its functions by the quarter sessions. The author has added several appendixes of the illustrative type and a somewhat extensive bibliography. Not the least merit of Professor Morris' work is a clear and fluent literary style that gives life and interest to a subject that has no artistic possibilities of its own.

LAURENCE M. LARSON.

Under the title of *Social Insurance: a Program of Social Reform* (The American Social Progress Series. New York: The Macmillan Company. 1910. Pp. 175) Professor H. R. Seager, of Columbia University, has put into printed form his Kennedy Lectures for 1910, delivered in the New York School of Philanthropy. In these lectures Professor Seager preaches the practical breakdown of the policy of individualism in so far as efforts to remove the economic insecurity of labor as resulting from accidents, sickness, invalidity and unemployment are concerned. Throughout the book no opportunity is omitted to bring out as emphatically as possible the fact that positive constructive work on the part of the state is necessary if the enormous burden falling upon labor as the result of the occurrence of these contingencies affecting the earning capacity of labor is to be lessened or rather distributed in such a way as to be more easily borne. No effort is made by the author to examine in detail what has been done in this direction by foreign governments through the establishment of compulsory compensation and insurance systems on various bases though this experience is referred to and described sufficiently to make clear how far the United States is behind practically all other civilized nations in the way of taking action in this most important field of social reform. From the purely social standpoint, Professor Seager puts the argument for radical action in this direction in a nutshell when he states that the social good that will be accomplished by social insurance "consists in protecting wage-earning families which have developed standards of living from losing them, and in helping wage-earning families without standards to gain them."

The fourth edition of T. J. Lawrence's *Principles of International Law* (Boston: D. C. Heath and Company 1910. Pp. xxli, 745) is, as the author claims, practically a new book. The arrangement of the earlier editions is retained, but much of the subject matter is new. Indeed during the ten years since the publication of the third edition, so great have been the additions to the established rules of international relations that, unless the author and publisher were to content themselves with

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

simply appending to the paragraphs of the earlier edition statements of these new rules, the work had to be substantially rewritten. An examination of this new edition shows that in practically every instance the topic has been brought well to date, the more recent developments being woven into the text of treatise rather than patched upon that of the edition of 1900. In its present form the work will easily take its place among the most valuable treatises of moderate size dealing with the principles of international law.

Reading References for English History. By Henry Lewin Cannon, Ph.D. Assistant Professor of History, Leland Stanford Junior University, (Boston; Ginn and Company, 1910). This closely printed volume contains over five hundred pages devoted to books upon English History and literature contributing to that field. The first part presents a consecutive bibliography subdivided into large groups, which include the various aids to historical study, the general works covering, considerable period, and the historical works relating to one epoch at a time. This part includes some 2054 titles selected largely from books which are commonly found in the better public libraries. This increases the practical efficiency of the book for the use of general readers, but no comments are offered which might help in selection.

Part II contains the larger share of the work and consists of topics and references to English history according to reigns. Each division is treated by the same rubric, in which the paragraph headings include a summary of the reign, references to sources individual and collective, modern accounts suitable for high schools, modern accounts intended for advanced students, bibliography of the period, and illustrative material in prose and poetry. All together it is a useful compilation.

How West Virginia was made. Proceedings of the First Convention of the People of Northwestern Virginia at Wheeling, May 13, 14 and 15, 1861 and the Journal of the Second Convention of the People of Northwestern Virginia at Wheeling, which Assembled June 11, 1861, and Continued in Session until June 25. Adjourned until August 6, 1861. Reassembled on that Date, and Continued in Session until August 21, when it Adjourned *sine die*, Edited by Virgil A. Lewis, M.A. State Historian and Archivist. (Charleston, W. V., State of West Virginia Publication. 1909. Pp. 337, xii.) This is an important book for all students of our constitutional history. The title shows the contents with seventeenth century fullness. The conventions kept no record of their debates

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

but the Wheeling *Daily Intelligencer* published abstracts of them and from the files of that paper the book has been compiled. Mr. Lewis has written an introduction, has annotated the text, has given us an extensive index and has furnished a useful chronological table of "Events occurring in the history of West Virginia" from the adjournment of the Second Convention to the admission of the State into the Union, June 20, 1863.

The development of the movement for a separate State and the struggle to reorganize the government of the State of Virginia under Governor Pierpont have much interesting light thrown on them in these pages. We see how strong was the personal influence of men like John S. Carlile and Waitman T. Willey. We also run across interesting bits of political theory. For example (p. 165), in a speech of Pierpont's we find the statement that the Confederates in Virginia are "in rebellion against the State of Virginia; because the laws of Virginia recognize the Constitution of the United States, as the supreme law of the land;" and again (p. 168) "the Constitution of the United States guarantees to every State (and I take it, only to the loyal people of that State) the right of a republican form of government." The letter from Attorney General Bates, dated August 12, 1861, and printed at page 12, dissuading the Convention from attempting "to create a new State at this perilous time" is very interesting.

The History of Political Theory and Party Organization in the United States by Simeon D. Fess, LL.D. (Boston: Ginn and Company. 1910. Pp. iv, 451). It is difficult to see the field of usefulness of such a book as this, which is neither history nor politics, but attempts rather unsuccessfully to mix both and to add a little biography to them. The work is not well arranged, and is somewhat repetitious. For example the Alien and Sedition Laws are discussed on pages 10 and 28; the Virginia and Kentucky resolutions on pages 11 and 30; the Quids on pages 35 and 242; the case of U. S. v. Peters on pages 38 and 90; Calhoun's Exposition on pages 107 and 211; the Hayne and Webster Debate on page 113, 219 and 232; the nativist movement on pages 178 and 244; Webster's Seventh of March Speech on pages 190 and 238. The history of the Republican party is carried down to 1910 on page 249 and on page 261 we take up the history of that party again. We find the presidential elections since 1856 discussed in the chapter headed "Third Parties." Some of the headings of the sections are badly worded and others, as "In Massachusetts" on page 105, have no connection with the subject matter.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

In speaking of the Dartmouth College case on page 230 the expression is used "the trustees provided by the will," as if the author thought the college was founded by a bequest. The style is not always good. For example, on page 169, Clay's withdrawal from the Senate is described and of his farewell to Calhoun, we read: "The two aged gladiators, standing with clasped hands, was a sight for the gods." The book is illustrated by a number of rather poor wood cuts, among them a full page one of General Robert E. Lee, which seems out of place in a book entitled "Political Theory."

On page 19, "Smith of Maryland" is said to have been one of the "ablest champions of the Hamiltonian theory. If either General Samuel Smith or his brother Robert is meant, and there was no other prominent politician of that name in Maryland at the time, the statement is startling, for both men were Jeffersonian leaders. New Haven was not settled because of a "religious disagreement" with the authorities of Massachusetts (page 20).

A Bibliography of History for Schools and Libraries with Descriptive and Critical Annotations, by Charles M. Andrews, Ph.D., J. Montgomery Gambrill, and Lida Lee Tall. (New York: Longmans, Green and Company. 1910. Pp. xiv, 224. This useful little book was prepared by a committee of the Maryland History Teachers' Association, was first published in the columns of the *Atlantic Educational Journal*, and is now printed in book form, with the endorsement of the Association of History Teachers of the Middle States and Maryland. Its classified lists, with their valuable annotations, will be found helpful to persons interested in the reading of children in the elementary schools, while in high school and college work the book will also be of considerable assistance.

Four Thirteenth Century Law Tracts, Edited by George E. Woodbine. (New Haven, Yale University Press. 1910. P. 183.) This little work is the result of its author's researches in English libraries and is a "thesis presented to the faculty of the Graduate School of Yale University in candidacy for the degree of doctor of philosophy." Dr. Woodbine prefaces the texts with an introduction of 50 pages, but gives no further annotation, except variant readings shown by the collation of different manuscripts. The introduction is done in such a scholarly manner that the lack of further annotation is to be regretted. The four tracts are: 1)"Fet Asaver," 2) "Judicium Essoniorum," "Modus Com-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ponendi Brevia," 4) "Exceptiones ad Cassandum Brevia." In a very ingenious and successful way, the theory is set forth that 4, which is in Norman French, is the concluding part of 3, which is in Latin. A condensed table of contents of 3 is given in page 43 and makes us wish the author had given us the same analysis of the other tracts. The probable identification of the author of some, at least, of these tracts with Ralph de Hengham is of considerable interest and the book will be useful to all students of the mediaeval law of procedure.

The Transition in Virginia from Colony to Commonwealth, by Charles Ramsdell Lingley, Ph.D. (New York: Columbia University Press. 1910. Pp. 218). This is a thoroughly sound and good piece of work. The author has done his task in a scholarly manner, has been thorough in his investgation of sources and authorities and has written in an interesting style, so that the monograph is very readable. After an introductory chapter on the "Expansion of Virginia during the generation preceding the revolution," he takes up the "events of 1752–1770," which developed an independent spirit in the assembly, and then, discusses at greater length, Lord Dunmore's administration. The narrative is brought down to the adoption of the Constitution of 1776 and a supplementary chapter treats of the "Revision of the Laws and the struggle for religious freedom." The position of the author is quite impartial and his judgments of men are brief but good. The field of the work has been limited absolutely to Virginia, no reference being made to contemporaneous events in Maryland or the Carolinas. Considerable use has been made of a manuscript history of Virginia by Edmund Randolph in the Virginia Historical Society Library which, it is hoped, may soon be printed. A minor matter of criticism is the misleading headline, "The Revolutionary Period," placed by the printer at the top of the pages in the second chapter.

The Public Domain and Democracy, A study of Social, Economic and Political Problems in the United States in Relation to Western Develment, by Robert Tudor Hill, Ph.D. (New York: Columbia University Press of 1910. Pp. 240). The writer of this monograph has essayed too ambitious a task. He has read widely, but has not thoroughly digested what he has read, and he has not thought out his thesis with sufficient care. It is hardly necessary for him to tell us (page 91) that he is a Western man, for the work shows that fact and the author sometimes attributes to distinctly Western conditions things which are the result of general tendencies throughout the country, or indeed throughout the civilized world. He also fails to distinguish between different parts of the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

West. Rather irrelevent details are occasionally introduced at some length as the table of Populist votes on page 119.

The less philosophic portions are the best and the first two chapters are decidedly better than the later ones. Donaldson's *Public Domain* is largely used, sometimes when it would have been better to have sought later statistics.

Punctuation is used so sparingly as to make the sense sometimes obscure and the phrases *op. cit.* in the notes is sometimes used so that it is difficult to know what book is meant.

Endicott on page 71 should be Ellicott. The style is sometimes careless, as on page 73, where we read "permanent investments—much of them in land buying." The author seems, from his remarks on page 79, to have an entire misconception as to the Kentucky Resolutions of 1798.

Legal Development in Colonial Massachusetts, 1630–1686, by Charles J. Hilkey, Ph.D. (New York: Columbia University Press. 1910. Pp. 148). We are told that the writer expects to carry down his study to the American Revolution and it is earnestly to be hoped that he will not stop at that point, but will complete a legal history of Massachusetts to the present time. We need such a work and Mr. Hilkey is capable of giving us a useful book on that subject. The present monograph shows careful research and power of clear presentation, although there are not many graces in the style. We guess that the author is not a lawyer and he seems to feel a certain unfamiliarity with legal terms, but there are few glaring errors. How could a man read "almost all the common law?" (p. 60), or how could "in criminal actions, private wrongs" be "recognized and redressed" (p. 142). The monograph is divided into two parts: "the law making factors" (an unfortunate term) and the "law." The account of the legislative and judicial system is good, but the section on "the Church" might have been omitted, as not particularly relevant. The statement that the churches in the Province did not "renounce their relation with the Church of England" (p. 52) is startling and produces a false impression. To say that the "speaker became an equal factor with the governor in legislation" puts the matter too strongly. It is not wise to use the spelling of place names found in contemporary records and to speak of "Charlton" (p. 13) or "Salsbury" (p. 39).

The discussion of legal topics in comprehensive and covers not only the laws themselves but the also manner of their enforcement, especially by the Court of Assistants whose Records have been extensively used. There is a well selected bibliography.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Governmental Action for Social Welfare. By Jeremiah W. Jenks, Professor of Economics and Politics, Cornell University. (American Social Progress Series. New York: The Macmillan Company. 1910. Pp. xvi, 226). A book consisting of material that was first delivered in the form of lectures must be judged in the light of that fact. This small volume contains the lectures given by the author in the School of Philanthropy of New York as the Kennedy Lectures for 1907–08. The work makes no pretense of presenting anything like a detailed description of the various ways in which the government does or can intervene for the purpose of promoting the social welfare of its citizens. It consists simply of a general discussion of the relation of the various branches of the goverment to movements for the promotion of social welfare and is extremely discursive in character. The author has availed himself of the wide practical experience that he has had in governmental affairs to enliven his pages with numerous examples of action illustrating the points upon which he is commenting. To the specialist in political or social science the book offers but little, nor, as stated, does it pretend to. It is, however very interesting reading and to the social worker, for whom it was originally intended, and to the general public should prove both instructive and stimulating.

Historical Origins of Imperial Federation, a comparative and political study of the various schemes for the reconstruction of the relation of Great Britain and her colonies 1754–1867, by E. Arma Smillie, M. A. (Thesis submitted for the degree of Master of Arts in the Department of Political Science, McGill University Montreal. 1910. Pp. 61.) This pamphlet is chiefly useful for the plans for the union of the Canadian Provinces which it discusses. Some of these plans have been almost entirely forgotten and are here brought again to light and their chief points are put together in a convenient form. The title of the monograph is wider than its scope. For instance, we find no hint of the New England Confederation or those important steps towards colonial union under a closer subordination with England, which we associate with Sir Edmund Andross. The work has not been printed as carefully as it should have been. Quotation marks are not given in some places where we look to find them and many references are so vague as to be of little value; for example, a references to Franklin's works or even to volume III of those works (of an unnamed edition) is of very little use.

BERNARD C. STEINER.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Meaning of Social Science. By Albion W. Small. (University of Chicago Press. Chicago. 1910. Pp. 320). The constantly increasing tendency among social science workers to get into more active touch with their co-laborers finds expression in this volume, which consists of a collection of ten lectures delivered by Professor Small to a group of graduate students interested in various fields of social labor. The volume constitutes a forceful plea for closer coöperation among social scientists in order that the broad field of human experience as a unit may be better understood. Says the author: "Since human experience is a connected whole, just as different functions of plant life and the different dependencies of those functions upon the conditions of surrounding inorganic life are a connected whole, so valid and responsible science of human experience. . . . . must be constructed by finding the actual working relations in this connected whole of human experience and getting them charted in these vital connections." Recent progress in social science has been in the direction of specialization. Such intensive work is necessary, but should be supplemented by efforts to co-ordinate the diverging paths of special knowledge and thus attain a unity, without which a real science can never be constructed. Of special interest is the author's practical suggestion as to the method by which specific social problems may thus be solved.

C. O. GARDNER.

Das Wesen der Österreichischen Kommunal-Verfassung. Von Dr. Josef Redlich (Leipzig: Duncker und Humblot. 1910. Pp. 85). In this monograph, Professor Redlich describes the constitutional and legal position of the commune in Austria with special reference to its organization, powers, and relation to the state. Its circle of activities embraces two classes of functions: first, those which are delegated by the state (*Ubertragenen*); and, second those which it exercises in its purely local capacity (*Natürlichen*), as an agency for the management of local affairs. It is thus both an agent of the state and an organ of local government. In the later capacity it cares for the safety of person and property, the maintenance of the local peace, the oversight of traffic, and elementary and secondary education. The Austrian commune is not a mere administrative district of the state but is largely a self-governing autonomous community subject to no central control, and has a larger competence, we are told than the communes of any other state. Moreover the local authorities are not subject to discipline by the higher authorities

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

except in regard to the administration of those affairs managed by the commune as the agent of the state.

The constitution guarantees to every commune the free election of its governing authorities and freedom of administration of its local affairs including the control of local police, subject only to the provision that all communal acts must be consistent with the laws of the state.

The active citizenship of the commune is conditioned upon the payment of a direct tax, and for the purpose of choosing local representatives (the *Gemeindeausschuss*), the tax payers are divided into three classes in a manner similar to that of the Prussian electoral system. The *Vorsteher* or Burgomaster is chosen from the members of the communal committee or council and the approval of the central authorities is unnecessary to the validity of the choice. In no respect is he responsible to any central authority. In general, there is a uniform organization for all rural and urban communities alike though some of the larger cities, ("statutory cities"), have special constitutions differing in some respects from the others. These are described at some length by the author. Throughout the monograph comparisons are made with communal organization in Prussia and the fact is dwelt upon that the Austrian communes have a larger degree of local authority in many respects than those of Prussia. Indeed, except for the three-class electoral system and a very limited central supervision in respect to a few matters, the administration of local affairs in Austria is characterzed by the broadest democracy and the widest autonomy.

J. W. GARNER.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

INDEX TO RECENT LITERATURE—BOOKS AND PERIODICALS

ADMINISTRATIVE LAW

Books

Kinney. Handbook of Administrative Law in India. London, 1910.

Baudin, P. Le budget et le deficit. Paris, 1910.

Bonaudi, Emilio. Della sospensione degli atti amministrativi. Torino, Fratelli Bocca. Pp. 145.

Nogaro, G. et Moye, M. Les Regimes douaniers (legislation douanière et traités de commerce). Paris: Colin, 1910. Pp. 12, 320.

Patau, P. De la situation comparée des agents diplomatiques et consulaires. Toulouse: Dirion, 1910. Pp. 8, 215

Pillaut, J. Manuel de droit consulaire. Paris: Berger-Levrault, 1910. Pp. 23, 281.

COLONIES

Books

Aston, G. G. The defence of United South Africa as a part of the British Empire. H. Rees, 1910. Pp. 64.

Chirol. Indian unrest: a reprint, revised and enlarged, from *The Times.* New York: Macmillan, 1910.

Gerhardt, Emil. Kanada selbständig? Die naturlichen Entwickelungsbedingungen Kanadas als Grundlage zur Ausbildung eines selbständigen Staatwesens. Berlin, Puttkammer and Mühlbrecht. Pp. 160.

Robinson, C. W. Canada and Canadian defence. H. Rees, 1910. Pp. 196.

Rothstein, Theodore. Egypts ruin; a financial and administrative record. Fifield, 1910. Pp. 438.

Ward, H. Congo Free State, Africa. Voice from the Congo. Scribner, 1910.

Wertheimer, Fritz. Die Japanische Kolonialpolitik. Hamburg: L. Friederichsen and Company. Pp. 100.

Articles in Periodicals

Egypt. The misgovernment of Egypt. *Dr. Alfred J. Butler.* Nineteenth Cent. Oct.

India. The native states in India. *J. Westlake, K. C.* Law Quar. Rev. Oct., 1910.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Philippines. The extraordinary session of the Philippine Legislature and the work of the Philippine assembly. *James Alexander Robertson.* Amer. Pol. Sci. Rev. Nov., 1910.

Siam. Etude sur le Code pénal du Royaume de Siam. *M. F. Rey,* Bulletin Mensuel de la Societé de Législation Comparée. Aout-Septembre.

CONSTITUTIONAL LAW

Books

Angleys, A. Des garanties contre l'arbitraire du pouvoir législatif, par l'intervention de l'autorité judiciare. Chambéry: Gentil., 1910. Pp. 8, 166.

Baernreither. Zur böhmischen Frage. Eine politische Studie. Wien: Manz, 1910. Pp. 75.

Brown, D. W. The commercial power of Congress, considered in the light of its origin;. . . . (1778-1809). New York: Putnam, 1910. Pp. 9 + 284.

Chalmers, D. Outlines of constitutional law. Stevens and Haynes., 1910.

Die Staatsverfassung des Erdballs. *Herausgegeben von Paul Posener.* Breslau, Pp. 1400.

Dodd, W. F. Revision and amendment of state constitutions. Johns Hopkins Press, 1910. Pp. 17 + 350.

Evréinow, G. Exposé de la question finlandaise. St. Petersburg; Imprimairē Russo-Francaise.

Hunt Gaillard. The writings of James Madison; comprising his public papers and his private correspondence. New York: Putnam, 1910.

McClain, E. Constitutional law in the United States. New York: Longmans, and Company, 1910. Pp. 38 + 438.

McIlwain, C. H. High Court of Parliament and its supremacy. Yale Univ., 1910.

Marriott, J. A. R. English political institutions. New York: Oxford Univ. Press, 1910. Pp. 8 + 347.

Munford, Beverly B. Virginia's attitude towards slavery and secession. Longmans, 1910.

Palme, Anton. Die russische Verfassung. Berlin, D. Reimer. Pp. 6, 230.

Perassi, T. Confederazione di stati e stato federale. Profili Giuridici. Manoppello,: A. di Fabio, Pp. 8, 102.

Perrot, Ernest. Les Casroyaux, origine er développment de la théorie aux xiii^{e} et xiv^{e} siècles. Paris: Rousseau, 1910. Pp. 8, 370.

Rosebery, Lord. The reform of the house of lords, Three speeches delivered in that house on June 20, 1884, Mar. 19, 1888 and Mar. 14, 1910. A. L. Humphreys, 1910. Pp. 110.

Russell, F. W., D.D. The Roman Empire (81 A.D.—1081 A.D.). Constitutional essays. 2 vols. Longmans, Green & Co., 1910. Pp. 14 + 402; 23 + 521.

Weinstein, E. Les Conflits des Chambres en Angleterre et en France. Paris: Larose et Tenin, 1910. Pp. 8, 165.

Willoughby, W. W. Constitutional law of the U. S. 2 vols. New York: Baker, Voorhis and Company, 1910.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Wontner, Adrian, The lords. Their history and powers. London: P. S. King and Son, 1910.

Wynne, R. V. A supreme senate and a strong empire. London: P. S. King and Son, 1910.

Articles in Periodicals.

Alsace-Lorraine. Die staatsrechtliche Stellung des Statthalters von Elsass-Lothringen. I. *Otto Nelte.* Archiv des Öffentlichen Rechts. Siebenundzwanzigster Band. Erstes Heft.

Anti Trust Act. The supreme court and the anti-trust act. *Victor Morawetz.* Columbia Law Rev. Dec.

Anti Trust Act. The supreme court and the Sherman Anti-Trust Act. *Harold Evans.* U. of Pa. Law Rev. Nov., 1910.

Anti Trust Act. The Sherman anti-trust law. *M. S. Hottenstein.* Amer. Law Rev. Nov.-Dec.

Anti Trust Act. Has the sugar trust case been overruled. *Stuart Chevalier.* Amer. Law Rev. Nov.-Dec.

Austria. La physionomie nouvelle de la question austro-hongroise. *Gabriel Louis-Jaray.* Questions Diplomatiques et Coloniales. 16 Decembre.

Belgium. Leopold II. and Albert I. *Rene Feibelman.* National Rev. Nov.

Bundesrath. Die stellvertretenden Bundesraths-Bevollmächtigten. *Aloys Vogels.* Archiv des Öffentlichen Rechts. Siebenundzwanzigster Band. Erstes Heft.

Cabinet Government. The evolution of the cabinet system in England. *W. F. Wyndham Brown.* Law Mag. and Rev. Nov.

Charter Contracts. Charter contracts and the regulation of rates. *Charles G. Fenwick.* Michigan Law Rev. Jan.

Church and State. Gladstone on church and state. *Anon.* Quar. Rev., Oct., 1910.

Commerce Court. The railroad bill and the court of commerce. *James Wallace Bryan.* Amer. Pol. Sci. Rev. Nov., 1910.

Conservation. Conservation and the constitution. *William B. Bosley.* Yale Law Jour. Nov., 1910.

Constitutional Law. Constitutional law in 1909–1910. *Eugene Wambaugh.* Amer. Pol. Sci. Rev. Nov., 1910.

Constitutional Law. Zur erkenntnis-theoretischen Grundlegung des Verfassungsrechtes. *Richard von Schubert Solden.* Zeitschrift für die gesamte Staatswissenschaft. Viertes Heft. 1910.

Cruel Punishment. Cruel and unusual punishment. *Henry Schofield.* Ill. Law Rev. Jan., 1911.

Delegation of Powers. Legislative powers that may not be delegated. *Hon. J. B. Whitfield.* Yale Law Jour. Dec., 1910.

Employers Liability. The federal employers' liability act. *John L. Hall.* Yale Law Jour. Dec., 1910.

Federal Incorporation. Federal incorporation and control. *Frank B. Kellogg.* Yale Law Jour. Jan., 1911.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Finland. Finlande et Russie. La délibération internationale de Londres (26 février-1er mars 1910). Duexième article. *Edw. Fry.* Revue de Droit International. Tome XII, No. 5.

Fuller. Chief justice Fuller. *Robert P. Reeder.* U. of Pa. Law Rev. Oct., 1910.

German Army. Die rechtliche Natur des deutschen Heeres. Zeitschrift für Völkerrecht und Bundesstaatsrecht. 2 Beiheft zum iv Bande.

German Empire. Die Matrikularbeiträge im Deutschen Reich. I. *Heribert Buchner.* Archiv des Öffentlichen Rechts. Siebenundzwanzigster Band. Erstes Heft.

German Minister of War. Die staatsrechtliche Stellung der Kriegsminister im Deutschen Reich. Zeitschrift für Völkerrecht und Bundesstaatsrecht. 2. Beiheft zum IV Bande.

Greece. La crise hellénique. *Henri Marchand.* Questions Diplomatiques et Coloniales. 1er Octobre.

House of Lords. Die Peerage Bill von 1719, ein Versuch der Reform des englischen Oberhauses. *Dr. Karl Güterbock.* Zeitschrift für Völkerrecht und Bundesstaatsrecht. IV Band, 6 Heft.

House of Lords. The question of the house of lords. *W. S. Lilly.* Nineteenth Cent. Dec., 1910.

House of Lords. The prerogative of the crown and the house of lords. *Hugh H. L. Bellot, M.A., D.C.L.* Law Mag. and Rev. Nov.

Hungary. The Hungarian elections. *Count Jos. Mailath.* Contempory Rev. Oct.

Judicial Review. The establishment of judicial review. I. *Edward S. Corwin.* Michigan Law Rev. Dec.

Legislative Power. The legislative power of Congress. *F. J. Goodnow.* Pol. Sci. Quar. Dec., 1910.

Legislative Power. Powers of regulation vested in Congress. *Max Pam.* Harvard Law Rev. Dec., 1910.

Mexico. Federal control in Mexico. *Norman D. Harris.* Yale Law Jour. Jan., 1911.

Pardons. The grounds of pardon in the courts. *James D. Barnett.* Yale Law Jour. Dec., 1910.

Persia. A year of constitutional Persia. *Zawwar.* National Rev. Oct.

Portugal. Republican Portugal. *E. J. Dillon.* Contemporary Rev. Nov., 1910.

Portugal. Some causes of the Portuguese Revolution. *Francis McCullagh.* Nineteenth Cent. Nov., 1910.

Portugal. La révolution portugaise. *Angel Marvaud.* Questions Diplomatiques et Colloniales. 1er Novembre.

Presidency. The electoral commission as the arbiter of conflicting claims to the presidency. *E. Countryman.* Amer. Law Rev. Sept. Oct.

Presidency. President Taft and the extra-constitutional function of the presidency. *Samuel J. Kornhauser.* N. Amer. Rev. Nov.

Prussia. Grenzen der Zuständigkeit des Königl. Preussischen Heroldsamtes. *Karl Strupp.* Archiv des Öffentlichen Rechts. Seibenundzwanzigster Band. Erstes Heft.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Prussian Minister of War. Die besonderen Befugnisse des preussischen Kriegsministers. Zeitschrift für Völkerrecht und Bundesstaatsrecht. 2. Beiheft zum IV Bande.

Prussian Minister of War. Das staatsrechtliche Verhältnis des preussischen Kriegsministers zum Reichskanzler. Zeitschrift für Völkerrecht und Bundesstaatsrecht. 2 Beihaft zum IV Bande.

Public Health. Legal aspect of the public health work in Illinois. *Henry B. Hemenway.* Ill. Law Rev. Oct., 1910.

Senators. Popular election of United States senators. *John W. Perrin.* N. Amer. Rev. Dec.

Social Legislation. Changing attitude of courts toward social legislation. *Louis M. Greeley.* Ill. Law Rev. Nov., 1910.

South Africa. L'union sud-africaine. *M. Sauvé.* Questions Diplomatiques et Coloniales. 16 Novembre.

South Africa. The union of South Africa. *Stephen Leacock.* Amer. Pol Sci. Rev. Nov. 1910.

Sovereignty. The co-operative nature of English sovereignty. III. *W. W. Lucas.* Law Quar. Rev. Oct., 1910.

Spain. The religious question in Spain. *Luis Garcia Guijarro.* Yale Rev. Nov.

States. Have the states been law-abiding? *Alfred Thom.* Amer. Law Rev. Nov. Dec.

Turkey. The last sultan of Turkey. *C. Chryssaphides and Rena Lara.* Fort Rev. Dec., 1910.

Turkey. Les agitations turques. *Jacques Dorovantz.* Questions Diplomatiques et Coloniales. 1er Octobre.

Wage Assignments. The validity of laws regulating wage assignments. *Guy M. Blake.* Ill. Law Rev., Jan., 1911.

Wilson Doctrine. Wilson versus the "Wilson Doctrine." *Edward Lindsey.* Amer. Law. Rev. Sept.-Oct.

Written Constitution. The constitution in writing. *J. H. Morgan.* Nineteenth Cent. Nov., 1910.

INTERNATIONAL LAW AND DIPLOMACY

Books

Bray, Judge. The digest of the law of discovery. 2d Edit. Sweet and Maxwell, 1910.

Coulet, Robert. La limitation des armements. Étude de droit international public. Paris: Pichon er Durand-Auzias., 1910. Pp. 6, 234.

Duffo, F. A. Les concordats en droit international. Toulouse: Revel et Nauze, 1910. Pp. 13, 190.

Fried, A. H. Pan-Amerika. Entwickelung, Umfang und Bedeutung der panamerikanischen Bewegung (1810–1910). Berlin, Maritima, 1910. Pp. 20, 304.

Goriaincw, S. Le Bosphore, et les Dardanelles; étude historique sur la question des détroits. Paris: Plon-Nourrit, 1910. Pp. 23, 392.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Hale, E. E. and Brewer, D. J. Mohonk addresses. International School of Peace. 1910.

Lamatarois, B. La correspondance télégraphique dans les relations internationales. Bordeaux: Caderet, 1910. Pp. 8, 143.

Lioux, J. Le droit de la belligerance dans les dernières guerres continentales. Toulouse: Lagarde et Sébille, 1910. Pp. 8, 142.

Rocholl, E. Die Frage der Minen im Seekreig. Marburg, A. Ebel. Pp. 8, 154.

von Toll, B. Die internationalen Bureaux der allgemeinenvölkerrechtlichen verwaltungsvereine. Inaugural-Dissertation. Tübigen, H. Laupp. Pp. 8,115.

Articles in Periodicals

Aerial Navigation. Die Luftschiffahrt im Völkerrecht. *Josef Kohler.* Zeitschrift für Völkerrecht und Bundesstaatsrecht. IV Band, 6 Heft.

American Republics. The fourth international conference of American republics. *P. S. Reinsch.* The Amer. Jour. of In't Law. Oct., 1910.

Arbitration. A world treaty of arbitration. *James L. Tyron.* Yale Law Jour. Jan., 1911.

Austria-Hungary. Der Handelsvertrag vom 23. April 1909 zwischen Österreich-Ungarn und Rumänien in österreichischen Reichsrate. *Dr. Gustav Ritter von Roszkowski.* Zeitschrift für Völkerrecht und Bundesstaatsrecht. IV Band, 6 Heft.

Bosnia. L'annexion de la Bosnie et de l'Herzégovine. Etude historique et juridique. *J. Blociszewski.* Revue Générale de Droit International Public. Septembre-Octobre.

China. China and the powers since the Boxer movement. *William R. Manning.* The Amer. Jour. of In't. Law. Oct., 1910.

Contraband. Early cases on the doctrine of continuous voyages. *Lester H. Woolsey.* The Amer. Jour. of In't Law. Oct., 1910.

Diplomacy. Diplomacy and the diplomatist. *A. Pierce Higgins, M.A., LL.D.* Jurid. Rev., Oct., 1910.

Diplomacy. Diplomacy de Luxe. *M. Honda.* N. Amer. Rev. Nov.

Fisheries. The North American coast fisheries arbitration. *Robert Lansing.* U. of Pa. Law Rev. Dec., 1910.

Fisheries. Newfoundland and the Hague fisheries award. *Beckles Willson.* Nineteenth Cent. Oct.

Internetional Courts. International courts. *Henry Billings Brown, LL.D.* Yale Law Jour. Nov., 1910.

Intervention. La théorie de l'intervention d'humanité. *A. Rougier.* Revue Générale de Droit International Public. Septembre-Octobre.

Korea. The reconstruction of Korea. *Edwin Maxey.* Pol. Sci. Quar. Dec., 1910.

Morocco. L'accord hispano-morocain. *Angel Marvaud.* Questions Diplomatiques et Coloniales. 1er Janvier.

Navy. Etat actual des marines anglaise et allemande. *A. Tanif.* Questions Diplomatiques et Coloniales. 1er Janvier.

Navy. The naval crisis. *Anon.* Quar. Rev. Oct., 1910.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Navy. Defense and finance: counting the cost. *Archibald Hurd.* Fort. Rev. Oct., 1910.

Navy. The new naval situation—and the old. *Excubitor.* Fort. Rev. Dec., 1910.

Prize Law. Hospital ships and the carriage of passengers and crews of destroy prizes. *A. Pierce Higgins.* Law Quar. Rev. Oct., 1910.

Reciprocity. Reciprocity with Canada. *Peter McArthur.* Forum. Dec.

Reciprocity. Canadian reciprocity with the United States. *J. Castell Hopkins.* National Rev. Oct.

Russia. Stratégie navale russe. *Commandant Davin.* Questions Diplomatiques et Coloniales. 1er Novembre.

Spanish Treaty Claims. Principles of international law applied by the Spanish treaty claims commission. *Samuel B. Crandall.* The Amer. Jour. of In't. Law. Oct., 1910.

Tariff. Zur rechtlichen Bedeutung des Tarifvertrags. *Weigelt, K.* Zeitschrift für die gesamte Staatswissenschaft. Sechsundsechzigster Jahrgang 1910. Viertes Heft.

Turkey. Le programme naval et l'intrigue turco-allemand. *H. Marchand.* Questions Diplomatiques et Coloniales. 1er Decembre.

Turkey. Les pretentions turques en Afrique. *H. Marchand.* Questions Diplomatiques et Coloniales. 16 Novembre.

War. International finance in time of war. *Edgar Crammond.* Quar. Rev. Oct., 1910.

JURISPRUDENCE

Books

Barrio y Morayta, L. Espíritu de la jurisprudencia española. La del Código Cívil. Apéndice primero. Años 1907 y 1908. Madrid, 1910.

di Carlo, Eng. Per la dottrina et la storia della philosophia del diritto. Palermo, 1910. Pp. 75.

Gebhardt. Römishches Recht. Ein Hilfsbuch für Studierende und Doctoranden. Hanover, 1910. Pp. 24, 429.

Sturm, A. Die psychologische Grundlage des Rechts; ein Beitrag zur allgemeinen Rechtslehre und zum heutigen Friedensrecht. Hanover; Helwing, 1910. Pp. 8, 531.

Bonelli, G. La teoria della persona giuridica. Milan: Società editrice libraria. 1910. Pp. 144.

Articles in Periodicals

Aerial Navigation. Liability for accidents in aerial navigation. *Simeon E. Baldwin.* Michigan Law Rev. Nov.

Aerial Navigation. Trespass by aeroplane. *H. G. Meyer.* Law Mag. and Rev. Nov.

American Corpus Juris. The American corpus juris project. *Joseph I. Kelly.* Il. Law Rev. Oct., 1910.

Comparative Legislation. De l'unification des lois; d'un projet de publication des codes comparés et d'une union législative en matiere de procès entre

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

étrangers. *M. W. Fildermann.* Bulletin Mensuel de la Societé de Législation Comparée.

Corporations. Limitations on the powers of common law corporations. *Percy T. Carden* Law Quar. Rev. Oct., 1910.

Criminology. The international congress of criminal anthropology: A review *Edward Lindsey.* Jour. of Criminal Law and Criminology. Nov.

Criminology. Fair play for the inebriate. *McKenzie Cleland.* Jour. of Criminal Law and Criminology. Nov.

Criminology. Relation of the alien to the administration of the civil and criminal law. *Gino C. Speranza.* Jour. of Criminal Law and Criminology. Nov.

Criminology. The classification of criminals. *Charles A. Ellwood.* Jour. of Criminal Law and Criminology. Nov.

Criminology. Nature and limits of the pardoning power. *William W. Smithers.* Jour. of Criminal Law and Criminolory. Nov.

Criminology. Public defense on criminal trials. *Maurice Parmelee.* Jour. of Criminal Law and Criminology. Jan.

Criminology. Crime and punishment. *George W. Kirchwey.* Jour. of Criminal Law and Criminology. Jan.

Employers Liability. Work, accidents, and the law. *Howell Cheney.* Yale Review. Nov.

Equity. Law and equity—The test of their fusion. *James Edward Hogg,* Barrister at Law. Jurid. Rev. Oct., 1910.

Estoppel. Judicial legislative estoppel. *R. Mason Lisle.* Yale Law. Jour. Dec., 1910.

Insanity. Statutory abolition of the defense of insanity in criminal cases. *John R. Rood.* Michigan Law Rev. Dec.

Jury. The jury system of Cook County, Illinois. *Carl. A. Ross.* Ill. Law Rev. Dec., 1910.

Judicial Procedure. Courts and Procedure in Germany. *Karl von Lewinski.* Ill. Law Rev. Nov., 1910.

Judicial Procedure. A proposed judicature act for Cook County. *Albert M. Kales.* Ill. Law Rev. Jan., 1911.

Judicial Procedure. Too much expected of a criminal judge. *Levi Turner.* U. of Pa. Law Rev. Jan., 1911.

Judicial Procedure. Reform of criminal procedure. *M. C. Sloss.* Jour. of Criminal Law and Criminology. Jan.

Judicial Procedure. Needed reforms in the law of expert testimony. *E. F. McDermott.* Jour. of Criminal Law and Criminology. Jan.

Law. Notes sur le problème des origines du droit. *M. Georges Cornil.* Revue de droit International. Tome xii, No. 5.

Law. A government of law or a government of men. *Horace H. Lurton.* N. Amer. Rev. Jan.

Lawyer. The lawyer and the community. *Woodrow Wilson.* N. Amer. Rev. Nov.

Labor Unions. The control of labor unions. *Harold Cox.* Quar. Rev. Oct., 1910.

Legal History. The place of English legal history in the education of English lawyers. *W. S. Holsworth.* Columbia Law Rev. Dec.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Legal History. A recent history of English law. *Arthur Lyon Cross.* Michigan Law Rev. Nov.

Reference Bureau. The legislative reference bureau of Pennsylvania. *James McKirdy.* U. of Pa. Law Rev. Dec., 1910.

Selden. Selden as a legal historian. *Harold D. Hazeltine.* Harvard Law Rev. Dec., 1910.

Status. From status to contract. *Wilbur Larremore.* Amer. Law Rev. Nov.-Dec.

MUNICIPAL ADMINISTRATION

Books

Bourguignon, C. Des attributions de l'autorité municipale en matière d'hygiène. Bordeaux: Cadoret, 1910. Pp. 8, 334.

Lloyd, John. London municipal government—1880-1888. London: P. S. King and Son., 1910. Pp. 72.

Wilcox, D. F. Great cities in America. New York: Macmillan, 1910.

POLITICAL SCIENCE (GENERAL) AND POLITICAL THEORY

Books

Abbott, Luther Jewett. History and civics of Oklahoma. Ginn: 1910. Pp. 220.

Bryce, James. The American commonwealth, 2 vols. Revised and enlarged Macmillan, 1910. Pp. 15+742; 7+962.

Clark, Eleanor Jane. Outlines of civil government with suggestions for civic training by original work. Palmer and Company, 1910.

Committee of the New England History Teachers Association. American civil government; an outline study for secondary schools, New York: Macmillan, 1910. Pp. 14 + 102.

Cunningham, Susan. Home and state: an introduction to the study of economics and civics. Methuen, 1910. Pp. 212.

Downes, Louisa. The new democracy. French and Company, 1910. Pp. 420.

Focherini, Attilio. Le successioni degli Stati. Loro effetti sulla nationalità degli abitanti e sulle questioni guiridiche pendenti. Modena, Tipographia editrice moderna. Pp. 9, 114.

Grassi, G. Lo stato et l'individuo. Roma, 1910. Pp. 208.

Kaye, P. L. Readings in civil government. Century Company, 1910.

Lecky, W. E. K. Historical and political essays. (New ed.) Longmans, 1910.

Lieber, Francis. A manual of political ethics. (New ed.) Philadelphia: Lippincott, 1910.

Mintz, Frances Sankstone. First reader for new American citizens. New York: Macmillan, 1910. Pp. 14 + 188.

Ostrogorski, M. I. Democracy and the party system in the United States. New York: Macmillan, 1910.

Owen, R. L., comp. Code of the people's rule. Gov. Pr. Off., 1910.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Stimson, F. J. Popular law-making. Scribner, 1910.

Stoddard, J. T. Against the referendum. London: P. S. King and Son, 1910.

Temperley, H. W. V. Senates and upper chambers, their use and function in the modern state, with a chapter on the reform of the house of lords. London: P. S. King and son, 1910.

Thrum, W. A step forward for the democracy of tomorrow. Boston: Twentieth Century Comapny. 1910.

Villey, E. Les Périls de la democratié francaise. Paris, 1910.

Ward, William. Brotherhood and democracy. P. S. A. Brotherhood. Pp. 224.

Waring, L. H. Political theories of Martin Luther. Putnam, 1910.

MISCELLANEOUS

Books

Argyle, Duke of. Yesterday and today in Canada. G. Allen, 1910. Pp. 429.

Bacon. New election map of the British Isles. G. W. Bacon, 1910.

Barker, J. Ellis. Great and greater Britain. The problems of motherhood and empire. New edition. Smith, Elder, 1910. Pp. 604.

Brugeilles, Raoul. Le droit et la sociologie. Paris; Alcan, 1910. Pp. 8, 163.

Cecil, Lord Robert. The lords' question. West Strand Publ. Company, 1910.

Chamberlain, Joseph. Imperial union and tariff reform. Speeches delivered from May 15 to Nov. 4, 1903. 2d edit. De La More Press, 1910. Pp. 209.

Cornford, L. C. The price of home rule. London: P. S. King and Son, 1910.

Crook, W. H. Through five administrations; reminiscences. Harper, 1910.

Eaves, L. Hist. of California labor legislation. Univ. of California, 1910.

Eger, G. Eisenbahnrecht im Deutchen Reich und in Preussen. Leipzig, G. A. Gloeckner, 1910. Pp. 252.

Eliot, C. W. The conflict between individualism and collectivism in a democracy. Scribner, 1910. Pp. 6 + 134.

Enock, C. R. An imperial commonwealth. Richards, 1910. Pp. 256.

Firth, C. H. House of lords during civil war. Longmans, 1910.

Fisher, Herbert A. Laurens. Frederick William Maitland; biographical sketch. Putnam, 1910.

Ford, Henry Jones. Cost of your national government. New York: Macmillan, 1910. Pp. 15 + 147.

Fraser, David. Persia and Turkey in revolt. W. Blackwood. Illus., 1910. Pp. 452.

Geiser, A. Deutches Reich und Volk. Ein nationales Handbuch. Munich: Lehmann, 1910. Pp. 386.

George, D. Lloyd. The people's will. Hodder and Son, 1910.

Gillette, King Camp. World corporation. Bost: World corporation, 1910. Pp. 6 + 240.

Goetz, L. K. Das russische Recht. I Band. Die älteste Redaktion des russisches Recht. Stuttgart, 1910. Pp. /, 312.

Haney, L. H. Congressional history of railroads in the United States. Univ. of Wisconsin. 1910.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Harrison, E. J. Peace or war east of Baikal? Kelly and Walsh, 1910. Pp. 568.

Hecker, E. A. A short history of the progress of woman's rights from the day of Augustus to the present time; with special reference to the record in England and the United States. New York: Putnam, 1910.

Hedges, J. E. Common sense in politics. N. Y.: Moffat, Yard, 1910. Pp. 5 + 325-3.

Jahrbuch für sozialen Fortschritt und freiheitliche Weltanschauung. Hrsg. v. Dr. H. Hasse. 1 Jahrg., 1910, 11. Leipzig: Dietrich, Pp. 178.

Le Chatelier, A. Politique musulmane. Paris, 1910.

Leeming, F. B. Income tax. E. Wilson, 1910.

Longan, Mrs. E. L. Parliamentary rules made easy. Hudson, 1910.

McCarty, Dwight G. The territorial governors of the old Northwest; a study in territorial administration. Iowa City: State Hist. Soc., 1910. Pp. 210.

Mattingley, H. Imperial civil service of Rome. Camb. Univ. Press, 1910.

Muirhead, J. H. Starting point of poor law reform. London: P. S. King and Company, 1910.

Nicholls George. A history of the English poor law. (924–1898) 3 vols. London P. S. King and Son, 1910.

O'Donnell, F. H. Political priests and Irish ruin. London: P. S. King, and Company, 1910.

"Pacificus." Federalism and home rule. J. Murray, 1910. Pp. 164.

Rolleston, Charles J. The age of folly. A study of imperial needs duties and warnings. J. Milne, 1910. Pp. 9 + 329.

Samuels, Arthur Warren, Home rule: Fenian home rule; home rule all round devolution; what do they mean? Simpkin, 1910.

Sullivan, J. J. American corporations. Appleton, 1910.

Taft, W. H. Address of President Taft before the National Conservation Congress at St. Paul. Gov. Pr. Off., 1910.

Taft, W. Howard. Presidential addresses and state papers; from March 4, 1909 to March 4, 1910. New York, Doubleday, Page, 1910. Pp. 12 + 612.

Van Hise, C. R. The conservation of natural resources in the United States. New York: Macmillan, 1910. Pp. 14 + 413.

Articles in Periodicals

American Politics. The confusion of American politics. *Sydney Brooks.* Fort. Rev., Oct., 1910.

American Politics. Les élections américanes. *Y.-M. Goblet.* Questions Diplomatiques et coloniales. 16 Decembre.

China. The abolition of slavery in the Chinese Empire. *E. T. Williams.* The Amer. Jour. of Int. Law. Oct., 1910.

English Politics. Lloyd Georgeism on the platform. National Review Jan.

English Politics. Lloyd Georgeism in practice. An Englishman in Portugal. National Rev. Jan.

English Politics. Two elections and a moral. National Rev. Jan.

English Politics. The radical party and social reform. *Sir Henry Seton-Karr, C. M. G.* Nineteenth Cent. Dec., 1910.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

English Politics. The crisis and the nation. *J. L. Garvin.* Fort. Rev. Dec., 1910.

English Politics. Democracy and the crisis. *Sidney Brooks. Fort Rev.* Dec., 1910.

English Politics. The British election. *Britannicus.* N. Amer. Rev. Jan.

English Politics. Politics in 1910. *Herbert B. Matthews.* Westminster Rev. Dec.

English Politics La situation politique en Angleterre. *Paul Villars.* Questions Diplomatiques et Angleterre. 16 Novembre.

France. Radical Democracy in France. IV. *W. M. Sloane.* Pol. Sci. Quar. Dec., 1910.

Germany. The German crisis. *Peregrinus.* Contemporary Rev. Nov., 1910.

Home Rule. Home rule all round.. *Ian Malcolm.* Nineteenth Cent. Nov. 1910.

Home Rule. Home rule: A live issue. *An Outsider.* Fort. Rev. Dec., 1910.

Immigration. L'emigration italienne au. Etats-Unis. *Louis Jadot.* Questions Diplomatiques et coloniales. 16 Octobre.

Insurance. The problem of sick and accident insurance in Switzerland. *O. H. Jenny.* Yale Rev. Nov.

Ireland. Nationalism in Ireland. II. *Col. Henry Pilkington, C. B.* Contemporary Review. Oct.

Proportional Representation. Ein proportionalwahlvorschlag mit Rangordnungs-bestimmung der Kandidaten durch die Reihen folge immerhalb jedes Stimm zettels. *M. Dobranicki.* Archiv. des Öffentlichen Rechts. Siebenundzwanzigster Band. Erstes Heft.

Socialism. The new socialism. *James Boyle.* Forum. Dec.

Socialism. Socialistic tendencies in England. *George Bourne.* Forum. Jan.

South America. Causes of lack of political cohesion in South America. *Hiram Bingham.* Amer. Pol. Sci. Rev. Nov. 1910.

Suffrage. The right to vote. *A. B. Wallis Chapman.* Westminster Rev. Dec.

Woman Suffrage. The government and women's suffrage. *Teresa Billington-Greig.* Fort. Rev. Nov., 1910.

Woman Suffrage. Is woman suffrage important? *Max Eastman.* N. Amer. Rev. Jan.

Woman Suffrage. Votes for women in England. *Archibald Henderson.* Forum. Nov.

Woman Suffrage. The enfranchisement of women. *H. B. Matthews.* Westminster Rev. Oct.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED